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HISTORICAL COLLECTIONS;

CONSISTING OF

STATE PAPERS,

AND OTHER AUTHENTIC DOCUMENTS; INTENDED AS MATERIALS FOR
AN HISTORY OF THE

UNITED STATES OF AMERICA.

BY EBENEZER HAZARD, A.M. 1744-1817

MEMBER OF THE AMERICAN PHILOSOPHICAL SOCIETY, HELD AT
PHILADELPHIA, FOR PROMOTING USEFUL KNOWLEDGE;
AND FELLOW OF THE AMERICAN ACADEMY
OF ARTS AND SCIENCES.

VOLUME I.

*"Ingenium, Pietas, Artes, ac bellica Virtus,
Huc Profugæ venient, et Regna illustra condent,
Et Domina his Virtus erit, et Fortuna Ministra."*

PHILADELPHIA:

PRINTED BY T. DOBSON, FOR THE AUTHOR.

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District of PENNSYLVANIA, to wit:



BE it remembered, that on the eighth day of March, in the sixteenth year of the Independence of the United States of America, EBENEZER HAZARD, of the said District, hath deposited in this office, the title of a book, the right whereof he claims, as Author, in the words following, to wit:

"Historical Collections; consisting of State Papers, and other authentic documents; intended as materials for an History of the United States of America.

"By EBENEZER HAZARD, A. M.

"member of the American Philosophical Society, held at Philadelphia, for promoting useful knowledge; and
 "fellow of the American Academy of Arts and Sciences.

"VOLUME I.

"Ingenium, Pietas Artes, ac bellica Virtus,

"Huc Profugæ venient, et Regna illustria condent,

"Et Domina his Virtus erit, et Fortuna Ministra."

In conformity to the Act of the Congress of the United States, entitled, "An Act for the encouragement of Learning, by securing the Copies of Maps, Charts, and Books, to the authors and proprietors of such Copies, during the times therein mentioned."

SAMUEL CALDWELL,
 Clerk of the District of
 PENNSYLVANIA.

P R E F A C E.

WHEN the Conduct of Individuals in a Community is such as to attract public Attention, others are very naturally led to many Inquiries respecting them; so, when Civil States rise into Importance, even their earliest History becomes the Object of Speculation. Secluded from the rest of the World, the Anglo-American Colonies were viewed merely as the Dependencies of Great Britain; and little more of them, comparatively, was known, than at what time they were discovered, and by whom: But when they dared to assert their Claims to Freedom, and in Defence of them to oppose the Parent State, whose Power even Europe dreaded—when they compelled her to consent to their Emancipation, and to acknowledge them as Independent States—they were then thought worthy of more respectful Attention, and an Acquaintance with their History was sought for with Avidity. But although the public Mind was anxious for Information, it could not be easily obtained: The Histories which had appeared, relating to a few individual States only, were not sufficient to gratify the inquisitive, and were, in general, written so long since, as not now to prove satisfactory; and Materials for furnishing a more comprehensive View of the Subject were much dispersed, and not within the Reach of many. To remove this Obstruction from the Path of Science, and, at the same Time, to lay the Foundation of a good American History, is the Object of the fol-

lowing Compilation. It was the Compiler's original Intention to visit each State in the Union, and to remain there a sufficient Time to form a *complete* Collection of such Materials for its History as had escaped the Ravages of Time and Accident. His Design was honoured with the Approbation and Patronage of Congress, whose Recommendation of it gained him immediate Access to the Archives of New Hampshire and Massachusetts, including those of the old Colony of Plymouth, and the Province of Maine; but before he could proceed farther, an Appointment, as Post Master General of the United States, obliged him to reside at the Seat of Federal Government, and prevented his continuing the Work in the Method he at first proposed:—the papers collected since have been picked up just as they happened to fall in his Way: Hence the Compilation, although large, is necessarily very far from being *complete*; but he has, notwithstanding, thought it expedient to publish it in its present State, lest it should be scattered and lost;—he hopes too, that by laying a Foundation, he may induce others to prosecute a Work which he conceives is not devoid of either Utility or Entertainment.

HISTORICAL COLLECTIONS.

PRIVILEGES and PREROGATIVES, granted by their CATHOLIC MAJESTIES to Admiral CHRISTOPHER COLUMBUS.

[Collection of Voyages and Travels. Lond. 1704, Vol. II. Page 603.]

FERDINAND and ELIZABETH, by the Grace of God, King and Queen of *Castile*, of *Leon*, of *Arragon*, of *Sicily*, of *Granada*, of *Toledo*, of *Valencia*, of *Galicia*, of *Majorca*, of *Minorca*, of *Sevil*, of *Sardinia*, of *Jaen*, of *Algarve*, of *Algezira*, of *Gibraltar*, of the *Canary Islands*, Count and Countess of *Barcelona*, Lord and Lady of *Biscay* and *Molina*, Duke and Duchesses of *Athens* and *Neopatria*, Count and Countess of *Roussillon* and *Cerdaigne*, Marquess and Marchioness of *Oriстан* and *Gociano*, &c. For as much as you, *Christopher Columbus*, are going by our command, with some of our vessels and men, to discover and subdue some Islands and Continent in the ocean, and it is hoped that by God's assistance, some of the said Islands and Continent in the ocean will be discovered and conquered by your means and conduct, therefore it is but just and reasonable, that since you expose yourself to such danger to serve us, you should be rewarded for it. And we being willing to honour and favour you for the reasons aforesaid; Our will is, That you, *Christopher Columbus*, after discovering and conquering the said Islands and Continent in the said ocean, or any of them, shall be our Admiral of the said Islands and Continent you shall so discover and conquer; and that you be our Admiral, Vice-Roy, and Governour in them, and that for the future, you may call and stile yourself, *D. Christopher Columbus*, and that your sons and successors in the said employment, may call themselves Dons, Admirals, Vice-Roys, and Governours of them; and that you may exercise the office of Admiral, with the charge of Vice-Roy and Governour of the said Islands and Continent, which you and your Lieutenants shall

conquer, and freely decide all causes, civil and criminal, appertaining to the said employment of Admiral, Vice-Roy, and Governour, as you shall think fit in justice, and as the Admirals of our kingdoms use to do; and that you have power to punish offenders; and you and your Lieutenants exercise the employments of Admiral, Vice-Roy, and Governour, in all things belonging to the said offices, or any of them; and that you enjoy the perquisites and salaries belonging to the said employments, and to each of them, in the same manner as the High Admiral of our kingdoms does. And by this our letter, or a copy of it signed by a *Public Notary*: We command Prince *John*, our most dearly beloved Son, the Infants, Dukes, Prelates, Marquesses, Great Masters and Military Orders, Priors, Commendaries, our Counsellors, Judges, and other Officers of Justice whatsoever, belonging to our Household, Courts, and Chancery, and Constables of Castles, Strong Houses, and others; and all Corporations, Bayliffs, Governours, Judges, Commanders, Sea Officers; and the Aldermen, Common Council, Officers, and good People of all Cities, Lands, and Places in our Kingdoms and Dominions, and in those you shall conquer and subdue, and the captains, masters, mates, and other officers and sailors, our natural subjects now being, or that shall be for the time to come, and any of them, that when you shall have discovered the said Islands and Continent in the ocean; and you, or any that shall have your commission, shall have taken the usual oath in such cases, that they for the future, look upon you as long as you live, and after you, your son and heir, and so from one heir to another forever, as our Admiral on our said Ocean, and as Vice-Roy and Governour of the said Islands and Continent, by you, *Christopher Columbus*, discovered and conquered; and that they treat you and your Lieutenants, by you appointed, for executing the employments of Admiral, Vice-Roy, and Governour, as such in all respects, and give you all the perquisites and other things belonging and appertaining to the said offices; and allow, and cause to be allowed you, all the honours, graces, concessions, preeminences, prerogatives, immunities, and other things, or any of them which are due to you, by virtue of your commands of Admiral, Vice-roy, and Governour, and to be observed completely, so that nothing be diminished; and that they make no objection to this, or any part of it, nor suffer it to be made; forasmuch as we from this time forward, by this our letter, bestow on you the employments of Admiral, Vice-Roy, and perpetual Governour forever; and we put you into possession of the said offices, and of every of them, and full power to use and exercise them, and to receive the perquisites and salaries belonging to them, or any of them, as was said above. Concerning all which things, if it be requisite, and you shall desire it, We command our Chancellor, Notaries, and other Officers, to pass, seal, and deliver to you, our Letter of Privilege, in such firm and legal manner, as you shall require or stand in need of. And that none of them presume to do any thing to the contrary, upon pain of our displeasure.

displeasure, and forfeiture of 30 ducats for each offence. And we command him, who shall show them this our Letter, that he summon them to appear before us at our Court, where we shall then be, within fifteen days after such summons, under the said penalty. Under which same, we also command any Public Notary whatsoever, that he give to him that shows it him, a certificate under his seal, that we may know how our command is obeyed.

GIVEN at *Granada*, on the 30th of April, in the year of our Lord, 1492.—

I, THE KING, I, THE QUEEN,

By their Majesties Command,

JOHN COLOMA,

Secretary to the King and Queen.

Entered according to Order,

RODOLPH DOUTOR.

Registered,

SEBASTIAN DOLANA, } *Chancellors.*
FRANCIS DE MADRID, }

EXEMPLAR BULLÆ seu Donationis Autoritate cujus, *Episcopus Romanus ALEXANDER ejus nominis Sextus, concessit et donavit CASTELLÆ Regibus et suis successoribus, Regiones et Insulas Novi Orbis in Oceano occidentali Hispanorum navigationibus repertas.*

ALEXANDER *Episcopus, Servus Servorum Dei, Charissimo in Christo Filio, Ferdinando Regi, et Charissimæ in Christo Filie Elizabeth Reginae Castellæ, Legionis, Arragonum, Siciliae, et Granatæ, Illustribus, Salutem et Apostolicam Benedictionem.*

[Decades of Peter Martyr, page 167, Edit. 1555.]

INTER cætera Divinæ Majestati bene placita opera et cordis nostri desiderabilia, illud profecto potissimum existit, ut Fides Catholica et Christiana Religio nostris præsertim temporibus exaltetur, ac ubilibet ampliatur ac dilatetur, animarumque salus procuretur, ac barbaræ nationes deprimantur et ad Fidem ipsam reducantur. Unde cum ad hanc Sacram *Petri* Sedem Divina favente clementia (meritis licet imparibus) evocati fuerimus, cognoscentes vos tanquam vere Catholicos Reges et Prin-

cipes: Quales semper fuisse novimus, et a vobis præclare gesta, toti pæne orbi notissima demonstrant, nedum id exoptare, sed omni conatu, studio, & diligentia, nullis laboribus, nullis impensis, nullisque parcendo periculis, etiam proprium sanguinem effundendo efficere, ac omnem animum vestrum, omnesque conatus ad hoc jamdudum dedicasse, quem admodum recuperatio Regni Granatæ a Tyrannide Saracenorum hodiernis temporibus per vos, cum tanta Divini nominis gloria facta, testatur. Digne ducimur non immerito, et debemus illa vobis etiam sponte, ac favorabiliter concedere, per quæ hujusmodi sanctum ac laudabile ab immortalis Deo acceptum propositum, indies ferventiori animo ad ipsius Dei honorem et Imperii Christiani propagationem, prosequi valeatis. Sane accepimus quod vos qui dudum animum proposueratis aliquas Insulas et Terras firmas remotas et incognitas, ac per alios hætenus non repertas, quærere et invenire, ut illarum incolas et habitatores ad colendum redemptorem nostrum et fidem Catholicam profitendum reduceritis, hætenus in expugnatione et recuperatione ipsius Regni Granatæ plurimum occupati, hujusmodi sanctum et laudabile propositum vestrum ad optatum finem perducere nequivistis. Sed tandem, sicut Domino placuit, Regno prædicto recuperato, volentes desiderium vestrum adimplere, dilectum filium *Christophorum Colonum*, virum utique dignum, et plurimum commendatum, ac tanto negotio aptum, cum navigiis et hominibus ad similia instructis, non sine maximis laboribus, ac periculis, et expensis destinastis ut Terras firmas et Insulas remotas et incognitas, hujusmodi per mare ubi hætenus navigatum non fuerat, diligenter inquireret. Qui tandem (Divino auxilio facta extrema diligentia in mari oceano navigantes) certas Insulas remotissimas, et etiam Terras firmas, quæ per alios hætenus repertæ non fuerant, invenerunt. In quibus plurimæ gentes pacifice viventes, et (ut asseritur) nudi incedentes, nec carnibus vescentes, inhabitant. Et ut præfati nuntii vestri possunt opinari, gentes ipsæ in insulis, et terris prædictis habitantes, credunt unum Deum Creatorem in Cœlis esse, ac ad fidem Catholicam amplexandum et bonis moribus imbuendum, satis apti videntur: Spesque habetur, quod si erudirentur, nomen salvatoris Domini nostri Jesu Christi in terris et insulis prædictis facile induceretur. Ac præfatus *Christophorus* in una ex principalibus insulis prædictis, jam unam turrin fatis munitam, in qua certos Christianos qui secum iverant, in custodiam, et ut alias insulas ac terras firmas remotas et incognitas inquirerent, posuit, construi et ædificari fecit. In quibus quidem insulis, et terris jam repertis, aurum, aromata, et aliæ quamplurimæ res prætiosæ diversi generis et diversæ qualitatis reperiuntur. Unde omnibus diligenter, et præsertim fidei Catholicæ exaltatione et dilatatione (prout decet Catholicos Reges et Principes) consideratis, more progenitorum vestrorum claræ memoriæ Regum, terras firmas et insulas prædictas, illarumque incolas et habitatores, vobis Divina favente clementia subicere, et ad fidem Catholicam reducere proposuistis. Nos itaque hujusmodi vestrum sanctum et laudabile propositum plurimum in Domino commendantes, ac cupientes ut illud ad debitum finem perducatur, et

ipsum

ipsum nomen salvatoris nostri in partibus illis inducatur, hortamur vos quampiurimum in Domino, et per sacri lavacri susceptionem, qua mandatis apostolicis obligati estis, et per viscera misericordiae Domini nostri Jesu Christi attente requirimus, ut cum expeditionem hujusmodi omnino profequi et assumere prona mente orthodoxae fidei zelo intendatis, populos in hujusmodi insulis et terris degentes, ad Christianam religionem suscipiendum inducere velitis et debeatis, nec pericula nec labores ullo unquam tempore vos deterreant, firma spe fiduciaque conceptis, quod Deus omnipotens conatus vestros faeliciter prosequetur. Et ut tanti negotii provinciam apostolicae gratiae largitate donati, liberius et audacius assumatis, motu proprio non ad vestram vel alterius pro vobis super hoc nobis oblatae petitionis instantiam sed de nostra mera liberalitate, et ex certa scientia, ac de apostolicae potestatis plenitudine, omnes insulas et terras firmas inventas et inveniendas, detectas et detegendas versus occidentem et meridiem, fabricando et construendo unam lineam a polo arctico, scilicet septentrione, ad polum antarcticum, scilicet meridiem, sive terrae firmae et insulae inventae, et inveniendae, sint versus Indiam, aut versus aliam quamcunque partem, quae linea distet a qualibet insularum, quae vulgariis nomenclaturis dicitur *Inde*, *Centum leucis* versus occidentem et meridiem. Itaque omnes insulae et terrae firmae repertae et reperiendae, detectae et detegendae, a praefata linea versus occidentem et meridiem, quae per alium Regem aut Principem Christianum non fuerint actualiter possessae usque ad diem nativitatis Domini nostri Jesu Christi proxime praeteritum, a quo incipit annus praefens millesimus quadringentesimus nonagesimus tertius, quando fuerunt per nuncios et capitaneos vestros inventae aliquae praedictarum insularum autoritate omnipotentis Dei nobis in beato *Petro* concessa, ac Vicariatus Jesu Christi qua fungimur in terris, cum omnibus illarum Dominiis, Civitatibus, Castris, Locis, et Villis, juribusque et jurisdictionibus ac pertinentiis universis vobis, haeredibusque, et successoribus vestris (Castellae et Legionis Regibus) in perpetuum tenore praesentium donamus, concedimus et assignamus: Vosque, et haeredes ac successores praefatos illarum Dominos, cum plena, libera et omnimoda potestate, autoritate et jurisdictione, facimus, constituimus, et deputamus. Decernentes nihilo minus per hujusmodi donationem, concessionem, et assignationem nostram, nullo Christiano Principi, qui actualiter praefatas insulas et terras firmas possederit usque ad praedictum diem nativitatis Domini nostri Jesu Christi jus quaesitum, sublatum intelligi posse, aut auferri debere.

Et insuper mandamus vobis in virtute sanctae obedientiae (ut sicut pollicemini, et non dubitamus pro vestra maxima devotione et regia magnanimitate vos esse facturos) ad terras firmas et insulas praedictas, viros probos et Deum timentes, doctos, peritos, et expertos ad instruendum incolas et habitatores praefatos in fide Catholica, et bonis moribus imbuendum, destinare debeatis, omnem debitam diligentiam in praemissis adhibentes. Ac quibuscunque personis, cujuscunque dignitatis, etiam Imperialis et Regalis status, gradus, ordinis vel conditionis, sub excommunicationis latae sententiae

pœna quam eo ipso, si contra fecerint incurrant, districtius inhibemus ne ad insulas et terras firmas inventas et invenendas, detectas et detegendas, versus occidentem et meridiem, fabricando et construendo lineam a polo arctico ad polum antarcticum, sive terræ firmæ et insulæ inventæ et inveniendæ sint versus Indiam aut versus aliam quamcunque partem, quæ linea distet a qualibet insularum, quæ vulgariter nuncupantur de los Azores et Cabo Verde centum leucis versus occidentem et meridiem ut præferatur pro mercibus habendis, vel quavis alia causa accedere præsumat, absque vestra ac hæredum et successorum vestrorum prædictorum licentia speciali : Non obstantibus constitutionibus et ordinationibus apostolicis, cæterisque quibuscunque, in illo in quo imperia et dominationes et bona cuncta procedunt : confidentes quod dirigente Domino actus vestros, si hujusmodi sanctum ac laudabile propositum prosequamini, brevi tempore cum felicitate et gloria totius populi Christiani, vestri labores et conatus exitum felicissimum consequentur. Verum quia difficile foret præsentis literas ad singula quæque loca in quibus expediens fuerit deferri, volumus ac motu et scientia similibus ~~accimus, quod marum transumptis~~ manu publici notarii inde rogati subscriptis, et sigillo alicujus personæ in ecclesiâ ~~notarii~~ ^{notarii} nitis, ea prorsus fides in judicio et extra, ac alias ubilibet adhibeatur, quæ præsentibus adhiberetur si essent adhibitæ vel ostensæ.

Nulli ergo omnino hominum liceat hanc Paginam nostræ commendationis, hortationis, requisitionis, donationis, concessionis, assignationis, constitutionis, deputationis, decreti, mandati, inhibitionis, et voluntatis, infringere, vel ei ausu temerario contraire. Si quis autem hoc attentare præsumpserit, indignationem Omnipotentis Dei, ac beatorum *Petri* et *Pauli* Apostolorum ejus, se noverit incursurum.

Datum Romæ, apud Sanctum *Petrum*, anno incarnationis Dominicæ 1493, quarto nonas Maii, Pontificatus nostri anno primo.

The second Commission to COLUMBUS particularly recites the first, and then proceeds as follows.

AND now forasmuch as it hath pleased our Lord, that you have discovered several of the said Islands, as we still hope you will by his Grace, discover and find others and the Continent, in the said Ocean, and those parts of the *Indies*, and have desired and requested of us, that we would confirm to you our Grant here set down, and all the Contents of it, to the end that you and your Children, Heirs and Successors, one after another, and after your Days, may have and enjoy the said Employments

ments of Admiral, Vice-Roy, and Governour, of the said Ocean, Islands and Continent, as well of those you have already found and discovered, as of those you shall for the future find and discover, with all the power, preheminance, and prerogative, as the Admirals, Vice-Roys, and Governours in our Kingdoms of *Castile* and *Leon* do enjoy, and that all the Perquisites and Salaries appertaining and belonging to the said Offices, and granted and allowed to our Admirals, Vice-Roys, and Governours, may be made good to you; or that we make such Provision in this Case, as in our Goodness we shall think fit. And we having regard to the hazard and danger you have exposed yourself to in our Service, in going to discover and find out the said Islands, and that which you now run in attempting to find out the other Islands and Continent, wherein we have been, and hope to be by you well served: To requite and reward you, do by these Presents, confirm to you and your Children, Heirs and Successors, one after another, now and for ever the said Employments of Admiral of the said Ocean, and Vice-Roy, and Governour of the said Islands and Continent by you discovered and found out; and of the other Islands and Continent, that shall be by you, or your Industry found, or discovered for the future in those Parts of the *Indies*. And it is our will, that you, and after you, your Children, Heirs, and Successors, one after another, enjoy the said Employment of our Admiral of the said Ocean, which is ours, and commences at a Line, we have caused to be drawn from the Islands *Azores*, to those of *Cabo Verde*, and so from Pole to Pole, North and South: so that all beyond the said Line, Westward, is ours, and belongs to us. And accordingly we constitute you Admiral, and your Sons and Successors, one after another, of all that part for ever. And we also appoint you our Vice-Roy and Governour, and after you, your Sons, Heirs, and Successors, one after another, of the said Islands and Continent, discovered, and to be discovered in the said Ocean in those parts of the *Indies*, as has been said: and we grant you the Possession of all the said Employments of Admiral, Vice-Roy, and Governour for ever, with full Commission and Authority to use and exercise in the said Sea, the Office of Admiral in all those things, and in the same manner and form, and with the rights and privileges, perquisites and salaries, as our Admirals of *Castile* and *Leon*, have and do use, have enjoyed or enjoy, as well in the said Islands and Continent already discovered, as in those that shall hereafter be discovered in the said Ocean and said parts of the *Indies*, that the Planters of them all may be the better governed. And we grant you such Power and Authority, that you may as our Vice-Roy, and Governour, and your Lieutenants, Judges, Commanders, and Officers by you created, exercise the Civil and Criminal Jurisdiction, the Supream and mean Authority, and the absolute and mixt Command. And in those places you may remove, turn out, and put in others in their places, as often as you please, and shall think convenient for our Service. And that they have power to hear, judge, and determine, all

Suits

Suits or Causes, Civil or Criminal, that shall occur or arise in the said Islands or Continent; and that they have and receive the fees and salaries usually annexed, and appertaining to those Employments in our Kingdoms of *Castile and Leon*. And you our said Vice-Roy and Governour may hear and determine all the said Causes and any of them, whensoever you shall please upon the first motion by way of appeal or complaint, and examine, determine, and decide them, as our Vice-Roy and Governour; and you and your children may do all that is reasonable in such Cases, and all other things appertaining to the Office of Vice-Roy and Governour, and that you and your Lieutenants and Officers appointed to this purpose, may take such Cognizance, and use such methods, as you shall think proper for our Service, and the execution of our Justice. All which you and they may do and perform lawfully and effectually as they might and ought to do, had the said Officers been appointed by us. But our Will and Pleasure is, that such Letters Patents, as you shall grant, be drawn and granted in our name, with these words, *Ferdinand and Elizabeth by the Grace of God, King and Queen of Castile and Leon, &c.* and be sealed with our Seal, which we will cause to be given you for the said Islands and Continent. And we command all the People, Inhabitants and other Persons in the said Islands and Continent, to obey you as our Vice-Roy and Governour of the same; and those that sail on the said Seas to obey you, as our Admiral of the said Ocean; and that all of them execute your letters and orders, and take part with you and your Officers, for the execution of our Justice; and give, and cause to be given you, all the Aid and Assistance you shall require and stand in need of, upon such Penalties as you shall impose on them, which we by these presents do impose on them, and do look upon them as imposed; and do grant you Authority to execute them on their persons and goods. And it is also our will, that if you find it for our Service, and the Execution of Justice, that any Persons who shall be in the said Islands or Continent, depart from them, and do not return or stay in them, and that they come and appear before us, you may in our name command, and make them depart the said Islands. All whom by these presents we command that they presently perform, execute, and put in practice all that has been said, without looking further, or asking advice upon it, nor expecting any further letter or command from us, notwithstanding any appeal or petition they shall make or present against your said Order. For all which things, and any other due or belonging to the said Offices of our Admiral, Vice-Roy, and Governour, we give you sufficient Authority, with all Incidents, Dependencies, and Emergencies to them annexed or inherent. Concerning all which things, if it shall be your will, we do command our Chancellor, Notaries, and other Officers belonging to our Seals, that they give, pass, dispatch, and seal you our Letter of Privilege, made as effective, firm, and strong, as you shall require of them, and stand in need of; and that none of them presume to do any thing to the contrary, upon pain of

our Displeasure, and of 30 Ducats to be paid to our Treasury by every one that shall be guilty of the contrary. And besides we command him that shall show them this our Letter to summon them to appear before us at our Court, wheresoever we are, within 15 days upon the same Penalty. Under which we command any *Publick Notary*, that shall be called for such purpose, that he give to him that shall show it him, a Certificate signed under his hand, that we may know how our Commands are obeyed.

GIVEN in the City of *Barcelona*, the 28th of May, in the year of our Lord,
1493.—

I, THE KING, I, THE QUEEN.

By their Majesties Order,

FERDINAND ALVAREZ de TOLEDO,
Secretary to the King and Queen, our Lord and Lady.

PETER GUTIERRES,
Chancellor without Fees for Seal or Entry.

Delivered, RODERICK DOCTOR.
Entered, ALONZO PEREZ.

GRANT to JOHN CABOT and his Sons for making Discoveries.

[Hackluyt. A. D. 1495.]

HENRICUS Dei Gratia Rex Angliæ et Franciæ et Dominus Hiberniæ omnibus ad quos præsentēs literæ nostræ peruenierint salutem notum sit et manifestum quod dedimus et concessimus ac per præsentēs damus et concedimus pro nobis et hæredibus nostris dilectis nobis Joanni Caboto ciui Venetiarum Lodouico Sebastiano et Sancio filiis dicti Joannis ac eorum et cuiuslibet eorum hæredibus et deputatis plenam ac liberam auctoritatem facultatem et potestatem nauigandi ad omnes partes regiones et sinus maris orientalis occidentalis et septentrionalis sub banneris vexillis et insigniis nostris cum quinque nauibus siue nauigiis cuiuscunque portituræ et qualitatis existant et cum tot et tantis nautis et hominibus quot et quantos in dictis nauibus secum ducere voluerint suis et eorum proprijs sumptibus et expensis ad inueniendum discooperiendum et inuestigandum quascunque Insulas patrias regiones siue prouincias gentiliū et infidelium quorumcunque in quacunque parte mundi positas quæ Christianis

B

omnibus

omnibus ante hæc tempora fuerint incognitæ. Concessimus etiam eisdem et eorum cuilibet eorumq. et cuiuslibet eorum hæredibus et deputatis ac licentiam dedimus ad affigendum prædictas bannerias nostras et insignia in quacunque villa oppido castro insula seu terra firma a se nouiter inventis. Et quod prænominatus Joannis et filii ejusdem seu hæredes et eorum deputati quascunque hujusmodi villas castra oppida et insulas a se inuentas quæ subiugari occupari possideri possint subiugare occupare possidere valeant tanquam vassalli nostri et gubernatores locatenentes et deputati eorundem dominium titulum et jurisdictionem earundem villarum castrorum oppidorum insularum ac terræ firmæ sic inuentorum nobis acquirendo. Ita tamen ut ex omnibus fructibus proficuis emolumentis commodis lucris et obuentionibus ex huiusmodi nauigatione prouenientibus præfatus Joannes et filii ac hæredes et eorum deputati teneantur et sint obligati nobis pro omni viagio suo toties quoties ad Portum nostrum Bristolie applicuerint (ad quem omnino applicare teneantur et sint astrikti) deductis omniibus sumptibus et impensis necessarijs per eisdem factis quintam partem capitalis lucri facti siue in mercibus siue in pecunijs persolvere Dantes nos et concedentes eisdem suisq. hæredibus et deputatis ut ab omni solutione customarum omnium et singulorum bonorum et mercium quas secum reportarint ab illis locis sic nouiter inuentis liberi sint et immunes. Et insuper dedimus et concessimus eisdem ac suis hæredibus et deputatis quod terræ omnes firmæ insulæ villæ oppida castra et loca quæcunque a se inuenta quotquot ab eis inueniri contigerit non possint ab alijs quibuscunque nostris subditis frequentari seu visitari absque licentia prædictorum Joannis et ejus filiorum suorumque deputatorum sub pœna amissionis tam nauium quam bonorum omnium quorumcunque ad ea loca sic inuenta nauigare præsumendum Volentes et strictissime mandantes omnibus et singulis nostris subditis tam in terra quam in mari constitutis ut præfato Joanni et eius filijs ac deputatis bonam assistentiam faciant et tam in armandis nauibus seu nauigijs quam in prouisione commeatus et uisualium pro sua pecunia emendorum atque aliarum omnium rerum sibi prouidendarum pro dicta nauigatione sumenda suos omnes fauores et auxilia impertiant. In cujus rei testimonium has literas nostras fieri fecimus patentes Teste meipso apud Westmonasterium quinto die Martij anno regni nostri undecimo.

Billa signata Anno 13 Henrici 7.

REX tertio die Februarij, anno 13, licentiam dedit Ioani Caboto, quod ipse capere possit sex naues Anglicanas, in aliquo portu, siue portibus regni Angliæ, ita quod sint de portagio 200 doliorum, vel subtus, cum apparatu requisito, et quod recipere possit in dictas naues omnes tales magistros, marinarios, et subditos regis, qui cum eo exire voluerint, &c.

De

De Potestatibus ad Terras Incognitas Investigandum.

[Rymer's Fœdera, tom. 13. p. 37. A. D. 1502.]

REX universis et singulis, ad quos presentes Literæ pervenerint, Salutem. Notum sit vobis et manifestum quod, ex certis Considerationibus nos moventibus, de Advifamento Concilii nostri, Concessimus et Licentiam dedimus, prout per Præsentes Concedimus et Licentiam damus, pro nobis et Hæredibus nostris quantum in nobis est, Dilectis Subditis nostris, *Hugoni Elyot et Thoma Aschburste*, Mercatoribus Villæ nostræ Bristolliae, ac, Dilectis nobis, *Johanni Gunfalus et Francisco Farmandus*, Armigeris, in Insulis de Surrys, sub Obedientia Regis Portugalie Oriundis, et eorum cuilibet, ac cujuslibet eorum Hæredibus, Attornatis, Factoribus, seu Deputatis, ac eis et eorum cuilibet plenam et liberam Auctoritatem, Facultatem, et Potestatem committimus navigandi et se transferendi ad omnes Partes, Regiones, et Fines Maris Orientalis, Occidentalis, Australis, Borealis et Septentrionalis, sub Banneris et Insigniis nostris, cum tot et tantis et talibus navibus sive Batellis quot sibi placuerint et necessariae fuerint, cujuscumque Portagii quilibet navis sive Batella extiterit, cum Magistris, Contramagistris, Marinariis, Pagettis, aliisque Hominibus pro Gubernatione, salva Custodia et Defensione navium et Battellarum prædictarum competentibus requisitis et necessariis ad Custus et Onera dicti *Hugonis* et aliorum prædictorum, et pro hujusmodi Salariis, Vadiis, et Stipendiis, prout inter eos poterint concordare, ad Inveniendum, Recuperandum. Discooperiendum, et Investigandum Insulas, Patrias, Regiones, sive Provincias quascumque Gentilium et Infidelium in quacumque Mundi Parte positas, ac hujusmodi Banneras et Insignia nostra in quacumque Villa, Oppido, Castro, Insula, seu Terra firma, a se sic noviter inventas, affigendi, ipsaque Villas, Oppida, Castra, Insulas, et Terras firmas, pro nobis et nomine nostro, Intrandi et Capiendi et ea tanquam Vassalli nostri, ac Gubernatores, Locatentes, et Deputati nostri, (eorumque Dominio, Titulo, Dignitate, et Præeminentiâ eorundem nobis semper reservatis) occupandi, possidendi, et subjugandi; Proviso semper quod de Terris, Patriis, Regionibus sive Provinciis Gentilium aut Infidelium, per Subditos carissimi Fratris, et consanguinei nostri *Portugalie Regis*, seu aliorum quorumcumque Principum, Amicorum, et Confederatorum nostrorum prius repertis, et in quarum possessione ipsi principes jam existunt, se nullo modo impendant ad intromittant. Et insuper, quandocumque impostero hujusmodi Insulæ, Patriæ, Terræ et Provinciæ, per præfatos *Hugonem* et alios nominatos adeptæ, recuperatæ, et Inventæ fuerint, tunc volumus per præfatos, quod omnes et singulæ tam Viri quam Fœminæ hujus regni nostri cæteri. Subditi nostri, Terras et Insulas hujusmodi sic noviter inventas visitare et in eisdem inhabitare cupientes et desiderantes, possint et

valeant licitè et impunè ad ipsas Patrias, Insulas, et Loca, cum eorum Navibus, Homini-
 bus, et Servientibus, Rebus et Bonis suis universis, Transire, et in eisdem sub
 Protectione et Regimine dictorum *Hugonis* et aliorum prænominatorum Morari et In-
 habitare, Divitiasque, Fructus et Emolumenta Terrarum, Patriarum, et Locorum
 prædictorum Acquirere et Obtinere. Dantes insuper et Concedentes præfatis *Hugo-
 ni, Thomæ, Johanni, et Francisco*, et eorum cuilibet plenam, Tenore Præsentium,
 Potestatem, et Auctoritatem omnes et singulos Homines, Marinarios, cæterasque per-
 sonas, ad Insulas, Patrias, Provincias, Terras firmas et Loca prædicta ex Causa prædicta
 se divertentes, et confluentes tam in Comitiva dictorum *Hugonis*, et aliorum prænominato-
 rum quam in Comitiva aliorum illic impostherum Recursum habere contingentium, tam su-
 pra mare quam in singulis Patriis Terris firmis et Locis hujusmodi postquam inventa et
 recuperata fuerint, Regendi et Gubernandi, Legesque, Ordinationes, Statuta, et
 Proclamationes pro bono et quiete Regimine et Gubernatione dictorum Hominum,
 Magistrorum, Marinariorum, et aliarum Personarum prædictarum Faciendi, Stabili-
 endi, Ordinandi, et Constituendi, et superinde Proclamationes faciendi, ac omnes et
 singulos quos in hac Parte Contrarios et Rebelles, ac Legibus, Statutis, et Ordina-
 tionibus prædictis Inobedientes invenerint, ac omnes illos qui Furtum, Homicidia,
 seu Rapinas commiserint et perpetraverint, aut aliquas Mulieres Insularum seu Patri-
 arum prædictarum, contra earum Voluntatem aut aliter, Rapuerint et Violaverint,
 juxta Leges et Statuta per ipsos in hac Parte ordinata Castigandi et Puniendi, ac eti-
 am Concessimus præfatis *Hugoni, Thomæ, Johanni, et Francisco*, Hæredibus et Af-
 signatis suis quod, postquam aliquæ Insulæ, Patriæ, Terræ firmæ, Regio seu Pro-
 vincia impostherum per *ipsum Hugonem* et alios prænominatos inventa fuerint, tunc non
 licebit alicui seu aliquibus Subdito seu Subditis nostris, durante Terminò quadragin-
 ta annorum proximò et immediatè sequentium, ad ipsas Villas, Patrias, Insulas, Ter-
 ras firmas, et Loca, Causa Mercandisandi ac bona acquirendi, absque Licentia nos-
 tra Regia, et dictorum *Hugonis* et aliorum prænominatorum Hæredum et Assigna-
 torum suorum, cum suis Navibus Frequentare aut se Divertere, aut in eadem Ingredi,
 seu in eisdem pro aliquibus bonis acquirendis Intrromittere: et post terminum dicto-
 rum quadraginta annorum, quod nullus ex nostris Subditis ad aliquam Terram fir-
 mam, Insulam, Patriam, seu Locum, per ipsos *Hugonem et Thomam*, et alios præ-
 dictos sic noviter inventa, Navigare et Frequentare præsumat, absque Licentia nostra
 prædicta, et dictorum *Hugonis* et cæterorum prædictorum, sub Pœna Amissionis et
 Forisfacturæ omnium Bonorum et Mercandisandarum, Rerum et Navium quorumcum-
 que, ad ea Loca sic noviter inventa navigare et in eadem Ingredi præsumptum (vi-
 dilicet) una medietas inde erit ad opus nostrum, et alia medietas ad opus dictorum
Hugonis et aliorum prænominatorum et Hæredum suorum. Et ulterius ex habun-
 danti Gratia nostra Concessimus et per Præsentes Concedimus pro Nobis et Hæredi-
 bus

bus nostris quantum in nobis est, præfatis *Hugoni, Thomæ, Johanni, et Francisco*, et eorum cuilibet, Hæredibus et Assignatis suis, quod ipsi et eorum quilibet Mercandisas, Mercimonia, aurum et argentum in massa, lapides preciosos, et alia bona quæcumque de Crescentia Patriarum, Insularum, et Locorum prædictorum, per ipsos sic recuperandorum et inveniendorum, tam in dictis Navibus et Batellis quam aliis quibuscumque Navibus Exteris a dictis Patriis, Insulis Terris firmis, et locis in hoc Regnum nostrum Angliæ ad quæcumque Portum seu alium locum ejusdem Adducere et Cariare, et Adduci seu Cariari facere possit et valeat, eaque vendere et distribuere ad eorum proficuum et advantagium; aliquo Statuto, Actu, Ordinatione, seu Provisione inde in contrarium factis live ordinatis non obstantibus; ac nos, intimè considerantes Grandia Custus et Onera quæ circa Præmissa facienda et perimplenda requiruntur, volentes igitur præfatis *Hugoni, Thomæ*, et aliis memoratis Personis Gratiâ proinde facere specialem, Concessimus, prout per Præsentes concedimus, eisdem Hæredibus et Assignatis suis, quod ipsi et eorum quilibet Hæredes Assignati sui prædicti, de tempore in tempus, durante termino quinque annorum a tempore Recuperationis et Inventionis Insularum et Patriarum prædictarum proximè et immediatè sequentium Mercandisas, Mercimonia, cæteraque bona in una Navi tantum cujuscumque Portagii fuerit Ekipkata et Onustata, ac in hoc Regnum nostrum Angliæ Adducenda et Transportanda, in Portu seu loco prædicto ad Terram ponere, eaque vendere, exponere, et pro libito suo distribuere possint, de tempore in tempus, quolibet viâgio, durante termino dictorum quinque annorum, absque aliquibus Custumis, Subsidiiis, seu aliis Deveriiis, pro eisdem bonis, Mercimoniis, et cæteris Præmissis in dicta unica navi tantum contentis et ekipkatis, nobis aut Hæredibus nostris infra dictum Regnum nostrum Angliæ aliquâliter solvendis; Proviso tamen quod nobis de Custumis, subsidiiis Pondagiis, et aliis Deveriiis, nobis pro cæteris Mercandisas, Mercimoniis, et bonis in omnibus aliis navibus contentis, juxta Consuetudinem in hoc Regno nostro Angliæ hætenus usitatem, fideliter respondeatur ut est justum. Et insuper volumus et concedimus per Præsentes quod quilibet Capitalis Magister, Contromagister, et Marinarius cujuscumque navis ad aliquam Terram firmam, Insulam, Patriam, Provinciam, et locum prædicta frequentantis et navigantis, habeant, gaudeant, et percipiant de bonis et Mercimoniis, a dictis Insulis, Terris firmis et Patriis in hoc Regnum Angliæ adducendis, Custumas et Subsidia sequentia; videlicet,—

Quod quilibet Magister habeat, gaudeat, et percipiat Subsidia et Custumas quolibet Viâgio *quatuor doliorum*,—

Et quilibet *Contromagister vel Quatermagister* Custumas et Subsidia *duorum doliorum*,—

Ac quilibet *Marinarius* Custumas et Subsidia *unius dolii*.

Licet

Licet sint Carcata et Eskippata ut bona sua propria aut ut bona alicujus alterius Personæ cujuscumque; et hoc absque aliquibus Subsidiiis, Custumis, Debitis, seu Deveriiis infra hoc Regnum nostrum Angliæ ad Opus nostrum aut Hæredum nostrorum pro eisdem doliis aliquid solvendis seu petendis; et si contingat aliquem vel aliquos Mercatorem seu Mercatores hujus Regni nostri ad dictas Insulas, Patrias, et loca, sub Licentia dictorum Subditorum nostrorum, aut absque Licentia sua, Causa habendi Mercandisas vel Mercimonia, adventare et laborare ad bona et Mercimonia ab eisdem Partibus in hoc Regnum nostrum adducere, tunc volumus et Concedimus, per Præsentes, præfatis *Hugoni, Thomæ, Johanni, et Francisco*, et Hæredibus et Assignatis suis quod ipsi, durante termino quadraginta annorum antedicto, habeant de quolibet hujusmodi Mercatore (solutis nobis Custumis, Subsidiiis, et aliis Deveriiis nobis in hac Parte debitum et consuetis) *Vicesimam Partem* omnium hujusmodi Bonorum et Mercimoniorum per ipsos a dictis Insulis, Patriis, et locis quolibet Viaggio, durante dicto termino quadraginta annorum, in hoc Regnum nostrum Angliæ Traducendorum et Capiendorum, Habendam et Capiendam hujusmodi *Vicesimam Partem* in Portu ubi contigerit dicta bona Discarcari et Exonerari; Provisio semper quod prædictus *Hugo* et alii prædicti Hæredes et Assignati sui, et non alii omnino imposterum, dicto termino quadraginta annorum durante, sint Factores et Attornati in dictis Insulis, Terris firmis, et Patriis, pro quibuscumque hujusmodi Mercatoriis, aliisque Personis, illuc ex causa prædicta confluentibus, in et pro eorum factis Mercatoriis in eisdem; Provisio etiam quod nulla Navis, cum Bonis et Mercandis a dictis Partibus sic noviter inventis carcata et onustata, postquam in aliquem Portum hujus Regni nostri adducta fuerint, non exoneretur de eisdem Bonis et Mercandis, nisi in Præsentia præfatorum *Hugonis* et aliorum prædictorum, eorumve Hæredum seu Deputatorum ad hoc assignandorum, sub Poena Forisfacturæ eorundem Bonorum et Mercandisarum; unde una Medietas ad Opus nostrum, et alia Medietas præfatis *Hugoni*, et aliis prænominatis, et Hæredibus suis applicentur. Et, si imposterum aliqui Extranei aut aliæ Personæ ad ipsas Partes, contra voluntatem ipsorum *Hugonis* et aliorum prænominatorum, causa habendi Divitias navigare, et ea Vi et Armis ingredi, ac dictos *Hugonem* et alios prædictos aut Hæredes suos ibidem insultare ac eos expellare et debellare aut alias inquietare præsumperint, quod tunc volumus, ac eisdem Subditis nostris, Tenore præsentium, Potestatem damus et Committimus ipsos extraneos, licet sint Subditi et Vassalli alicujus Principis nobiscum in Liga et Amicitia existentis, totis suis viribus, tam per Terram quam per Mare et Aquas dulces, Expugnandi, Resistendi, et Guerram contra eos levandi et faciendi, eosque capiendi subpeditandi, et incarcerandi ibidem quousque fines et redemptiones eisdem Subditis nostris fecerint moraturos aut alias secundum sanam Discretionem ipsorum Subditorum nostrorum et Hæredum suorum castigandi et puniendi, etiam præfatis Subditis nostris cæterisque Personis prædictis plenam, tenore præsentium potestatem damus et committimus sub se quoscunque

eumque Capitaneos, Locatenentes, et Deputatos in singulis Civitatibus, Villis, Oppidis, et Locis, dictarum Insularum, Provinciarum, Patriarum, et Locorum prædictorum, ad Regendum et Gubernandum omnes et singulas Personas in eisdem Partibus sub Regimine et Gubernatione dictorum Subditorum nostrorum ibidem commorantium, ac ad Justitiam eisdem secundum Tenorem et Effectum Ordinationum, Statutorum, et Proclamationum prædictorum debite exequendum et administrandum, per Literas suas patentes, Sigillis eorum sigillandas, faciendi, constituendi, nominandi, et substituendi, et insuper concessimus, et per præsentem concedimus præfatis *Hugoni, Thomæ, Johanni, et Francisco*, ad terminum Vitæ suæ et cujuslibet eorum diutius viventis, Officium Admiralli supra Mare, in quibuscumque Locis, Patriis, et Provinciis, a se sic noviter inventis et imposterum inveniendis et recuperandis; Ipsosque *Hugonem, Thomam, Johannem, et Franciscum*, et eorum quemlibet conjunctim, et divisim Admirалlos nostros in eisdem Partibus Facimus, Constituimus, Ordinamus, et Deputamus per Præsentem, Dantes, et Concedentes eisdem et eorum cuilibet plenam, Tenore præsentium potestatem et auctoritatem ea omnia et singula, quæ ad Officium Admirallitatis pertinent, faciendi, exercendi, et exequendi secundum Legem et Consuetudinem Maritimam in hoc Regno nostro Angliæ usitatam; ac etiam, postquam præfati *Hugo, Thomas, Johannes, et Franciscus*, aliquas Terras firmas, Insulas, Patrias, et Provincias, Oppida, Castra, Civitates, et Villas, per Assistentiam nostram sic invenerint, obtinuerint, et subjugaverint, tunc volumus et per præsentem concedimus eisdem Hæredibus et Assignatis suis, quod Ipsi et Hæredes sui habeant, teneant et possideant sibi Hæredibus et Assignatis suis omnia et singula talia et tanta Terras firmas, Insulas, Patrias, Provincias, Castra, Oppida, Fortalitia, Civitates, et Villas, qualia et quanta ipsi ac Homines tenentes et servientes sui possint inhabitare, custodire, sustinere, et manutenere, habenda et tenenda eadem Terras, Insulas, et Loca prædicta sibi Hæredibus et Assignatis suis et cujuslibet eorum, de nobis et Hæredibus nostris imperpetuum, per Fidelitatem tantum, absque aliquo compoto seu aliquo alio nobis aut Hæredibus nostris proinde reddendo seu faciendo; Dignitate, Dominio, Regalitate, Jurisdictione, et Præeminentia in eisdem nobis semper salvis et omnino reservatis. Et ulterius concessimus præfatis *Hugoni, Thomæ, Johanni, et Francisco*, quod ipsi Hæredes et Assignati sui prædicti dictas Terras firmas, Insulas et Patrias, ipsis et Hæredibus suis prædictis ut præmittitur sic concessas, postquam inventæ et recuperatæ sint, ac cum in plena Possessione earundem fuerint, gaudeant, teneant, et possideant, liberè, quietè, pacificè, absque impedimento aliquali nostri aut Hæredum nostrorum quorumcumque; et quod nullus ex Subditis nostris eos aut eorum aliquem de et super Possessione et Titulo suis de et in dictis Terris firmis, Insulis, et Patriis se aliqualiter contra voluntatem suam expellat quovis modo; Promittentes, bona Fide et in Verbo Regis, nos Ratum, Gratum, et Firmum habituros totum et quicquid præfati *Hugo, Thomas, Johannes, et Franciscus*, et eorum quilibet, pro Præmissorum

missorum Complemento fecerint, fierique procuraverint in hac Parte; et quod nos aut Hæredes nostri nullo unquam tempore in futurum ipsos aut eorum aliquem Hæredesve et Assignatos suos in Jure, Titulo, et Possessione suis inquietabimus, impediemus, aut Molestiam eis faciemus, nec per alios nostros Subditos aut alios quoscumque, quantum in nobis fuerit, fieri seu procurari permittemus seu procurabimus; nec ipsos Hæredes et Assignatos suos, pro aliqua causa imposteriorum emergente seu contingente, ab eisdem Terris firmis, Patriis, Provinciis, et Locis nullo modo amovebimus aut amoveri seu expelli per Subditos nostros procurabimus; Provisio semper quod, si contingat ipsos *Hugonem, Thomam, Johannem, et Franciscum*, aut eorum aliquem, Hæredes seu Assignatos suos, aut eorum aliquem, aliqua Loca, Insulas, Terras, Regiones, Provincias, et Patrias imposteriorum reperire, investigare, seu recuperare, quæ ante hac ab aliis Subditis nostris aut ab aliquibus Hæredum et Successorum suorum, Potestatem per alias Literas nostras Patentes sub magno Sigillo nostro in ea Parte a nobis habentibus, reperta, inventa, investigata, et recuperata non fuerunt, quod tunc volumus et per Præsentes concedimus, pro nobis et Hæredibus nostris, præfatis *Hugoni, Thomæ, Johanni, et Francisco*, et eorum cuilibet, Hæredibus et Assignatis suis, quod ipsi et eorum quilibet Insulas, Patrias, Provincias, et alia Loca prædicta, cum eorum Navibus, Hominibus, Servientibus, et Rebus suis quibuscumque, ad libitum suum ingredi, tenere, exercere, pacificèque securè inhabitare ac inhabitari facere et occupari, absque Contradictione seu Impedimento nostri aut Hæredum nostrorum, vel aliquorum aliorum Ligeorum nostrorum quorumcumque, possint et valeant; et quod nullus ex aliis nostris Subditis ad aliquam Insulam, Terram, Regionem, Patriam, et Provinciam, seu Locum, per ipsos *Hugonem, Thomam, Johannem, et Franciscum*, sic noviter inventa, navigare et frequentare, aut in eadem ingredi, Causa acquirendi seu habendi Fructus, Merces et Mercimonia in eisdem crescentia, præsumat, absque Licentiam nostram regiam, et præfatorum *Hugonis, Thomæ, Johannis, et Francisci*, optinerent specialem, sub Pœna Amissionis et Forisfacturæ omnium Bonorum, Mercandisarum, Rerum, et Navium quorumcumque, ad ea Loca sic per ipsos noviter inventa navigare et in eadem ingredi præsumendum (videlicet) una Medietas inde erit ad opus nostrum, et alia Medietas ad opus dictorum *Hugonis, Thomæ, Johannis, et Francisci*, Hæredum et Assignatorum suorum. Et quamquam, per alias Literas nostras Patentes, de Data Decimi Noni Diei Mensis Maii, Anno Regni nostri Sextodecimo, Concessimus et Commiserimus, Dilecto nobis, *Richardo Warde, Johanni Thomas, et Johanni Farnandus*, ac præfatis *Hugoni Eliot, Thomæ Ashburst, Johanni Gunfalus, et Francisco Farnandus*, Hæredibus, Attornatis, Factoribus, seu Deputatis suis, et eorum cuilibet, Potestatem et Facultatem Navigandi ad omnes Partes, Regiones, et Fines Maris ad inveniendum et recuperandum, et discooperiendum Insulas, Patrias, et Provincias memoratas, ac ad singula alia in eisdem Literis contenta et specificata, juxta tenorem et effectum earumdem exercendum

exercendum et exequendum; nolumus tamen quod iidem *Richardus Warde*, *Johannes Thomas*, et *Johannes Farnandus*, nec eorum aliquis, Hæredes seu Assignati sui, de aut ist aliquibus Patriis, Insulis, Terris, Locis, seu Provinciis imposte-
rum de novo sub auctoritate et potestate præsentium literarum nostrarum
inveniendis, recuperandis, et discooperiendis, nisi primitus a præfatis *Hugone*, *Thoma*
Asheburste, *Johanne Gunfalus*, et *Francisco* licentiam optinuerint aliquid se in-
tromittant, nec eorum aliquis se intromittat. Et quod in casu, quo iidem *Richardus*
Warde, *Johannes Thomas*, et *Johannes Farnandus*, aut eorum aliquis seu hæredes
aut assignati sui ad hujusmodi Insulas, Patrias, Regiones, et alia Loca prædicta, cum
eorum Navibus et Rebus, pro Bonis in eisdem Insulis, Patriis, et aliis Locis præ-
dictis acquirendis, se divertere aut aliquem vel aliquos illuc mittere et destinare vo-
luerint, decreverint, et disposerint, quod tunc ipsi et eorum quilibet omnia et om-
nimoda cultus et onera, cum præfatis *Hugone*, *Thoma Asheburste*, *Johanne Gunfalus*,
et *Francisco*, circa hujusmodi Viagium exponenda (videlicet) quilibet eorum juxta
ratam portionis suæ, prout inter eos poterint concordari, quotienscumq. aliquid
hujusmodi Viagium incipient, et ab hoc Regno nostro ad Patrias et alia Loca præ-
dicta acquirenda et recuperanda se divertent, de tempore in tempus, solvere, dare,
et supportare tenebuntur. Et insuper, cum, inter cætera, in prænotatis articulis
expressa, Concesserimus præfatis *Hugoni*, *Thoma Asheburste* *Johanni Gunfalus*, et
Francisco, quod ipsi, et eorum quilibet, Hæredes et Assignati sui unam navem, cujus-
cunque Portagii fuerit, cum omnimodis Bonis, Mercandis, et Mercimoniis de
Crescentia Patriarum, Insularum, Provinciarum, Terrarum, et Locorum quorum-
cumque sæpèdictorum Carcatam et Onustam in hoc Regnum nostrum Angliæ,
totiens quotiens sibi placuerit, durante Terminò quinque annorum, absque aliquibus
Custumis, Subsidis, et aliis Deveris nobis pro eisdem solvendis, conducere, et trans-
portare, ac libitum suum inde facere possent et valerent, Nos, jam animadvertentes
laudabilem intentionem præfatorum *Hugonis*, *Thoma Asheburste*, *Johannis Gunfa-
lus*, et *Francisci*, quam ad Honorem et Utilitatem hujus Regni nostrique Complac-
entiam habent et gerunt, pensantesque eorum grandia Custus et Onera gravia
etiam Pericula tam Personarum quam Bonorum et Rerum suorum quorumcumque
in tam gravi tempestuoso periculofo longoque Maris Negotio quæ verisimilè sunt
passuri ex habundanti Gratia nostra concessimus et Licentiam dedimus, pro Nobis et
Hæredibus nostris, præfatis *Hugoni*, *Thoma Asheburste*, *Johanni Gunfalus*, et *Franci-
sco*, et eorum cuilibet, Hæredibus et Assignatis suis et eorum cujuslibet, quod ipsi
et eorum quilibet unam aliam Navem Portagii Centum et Viginti Doliorum, cum
Bonis, Rebus, Jocalibus, Auro et Argento, cæterisque Mercandis et Mercimoniis,
de Crescentia Patriarum, Insularum, Provinciarum, et aliorum Locorum, per ipsos
sic imposte- noviter recuperandorum, carcatam et onustam, in hoc Regnum, Ju-
risdictiones, et Territoria nostra quæcumque totiens quotiens sibi placuerit, durante
Terminò quinque Annorum a Tempore Recuperationis Insularum et Patriarum præ-

dictarum proximò et immediatè sequentium, conducere et transportare, ibidemque descarcare, ac de Bonis, Rebus, Mercandisiis, Jocalibus, cæterisque Præmissis Libitum suum facere possint et valeant, et eorum Hæredes et Assignati possint et valeant, et eorum quilibet possit et valeat, licitè et impudè, absque aliquibus Custumis, Subsidiis, seu aliis Deveriiis, nobis pro eisdem aut aliqua eorundem Parcella debitis, nobis aliquamiter solvendis, et absque aliquo Impedimento, Impetitione, Contradictione, Molestatione, seu Gravamine quocumque, nostri aut Officiorum seu Ministrorum nostrorum quorumcumque. Et ulterius, Cum, inter cætera, in Literis nostris Patentibus (quarum data est apud *Westmonasterium* dicto decimo nono die Maii Anno Regni nostri sextodecimo) contenta et specificata, certis considerationibus nos moventibus, concesserimus præfatis *Johanni Gunfalus* et *Francisco*, quod essent imperpetuum Indigenæ et Ligei nostri et Hæredum nostrorum, et in omnibus Causis, Querelis, Rebus, et Materiis quibuscumque haberentur, pertractarentur, reputarentur, et gubernarentur, tanquam veri et fideles Ligei nostri infra Regnum nostrum Angliæ oriundi, et non aliter nec alio modo, Quodque iidem *Johannes Gunfalus* et *Franciscus* et omnes Liberi sui solverent aut solvi facerent, et eorum quilibet solveret aut solvi faceret talia Custumas, Subsidia, et alia Deveria, pro Bonis, Mercibus, Mercandisiis et Mercimoniis suis, in Regnum nostrum Angliæ adducendis, vel extra idem Regnum nostrum Angliæ educendis, qualia Alienigenæ Nobis solvant autolvere debent vel consueverunt, Et quod iidem *Johannes Gunfalus* et *Franciscus* solverent et eorum alter solveret nobis et Hæredibus nostris tot et tanta Custumas, Subsidia, et alia Deveria, pro Bonis et Mercandisiis suis, prout Alienigenæ Nobisolvere et reddere tenerentur, Nos tamen, Ob certas Causas, Nos jam moventes, præfatos *Johannem Gunfalus* et *Franciscum* ad Custumas et Subsidia, Nobis pro eorum Bonis, Mercandisiis, et Mercimoniis, sicuti Alienigenas solvenda, nolentes ut prædictum est onerari sed eis et eorum utrique Gratiam facere uberiorem, De Gratia nostra speciali dedimus et concessimus, ac Licentiam damus et concedimus per Præsentem, pro nobis et Hæredibus nostris, præfatis *Johanni Gunfalus* et *Francisco* quod ipsi et eorum alter, Hæredes sui aut Hæredes eorum alterius, talia Custumas, Subsidia, et alia Deveria, pro Bonis, Mercibus, Mercandisiis, et Mercimoniis suis quibuscumque, in Regnum nostrum Angliæ Adducendive extra idem Regnum Educendis, qualia alii Ligei nostri infra Regnum nostrum Angliæ oriundi nobis solvant autolvere deberent, et consueverunt, dictis Literis nostris, in contrarium inde factis, non obstantibus, Proviso semper quod nec prædicti *Johannes Gunfalus* aut *Franciscus*, sub colore aut velamento hujus nostri Indulti aut Privilegii, aliorum Bona sub eorum Nominibus tanquam propria in Regnum nostrum introducant, sub Pœna Confiscationis Bonorum sic introductorum, et Amissionis Privilegii nostri prædicti. Eo quod expressa Mentio de vero valore Annuo Præmissorum, aut de aliis Donis sive Concessionibus, per nos eisdem *Hugoni Elyot*, *Thomæ Aysheburste*, *Johanni Gunfalus*,

salus, et *Francisco*, ante hæc Tempora factis, in præsentibus minime facta exiit, aut aliquibus Statutis, Actibus, sive ordinationibus, aut Restrictionibus, inde in contrarium factis, editis, ordinatis, sive provisus, aut aliqua alia Re, Causa, vel Materia quacumque, in aliquo non obstantibus. Et ulterius, ex uberiori Gratia nostra, Concessimus præfatis *Hugone*, *Thoma Aschburste*, *Johanni Gumsalus*, et *Francisco*, quod ipsi habeant præsentis Literas nostras in Cancellaria nostra, absque aliquo Fine seu Feodo, aut aliquibus Finibus seu Feodis, pro eisdem Literis nostris aut aliqua Parte eorundem, aut pro magno Sigillo nostro, ad opus nostrum in Hanaperio dictæ Cancellariæ nostræ aliquo aliter solvendis: Et volumus, et concedimus per Præsentes quod Reverendissimus in Christo Pater *Wilhelmus Episcopus Londoniensis* Custos magni Sigilli nostri, Auctoritate præsentis Concessionis nostræ fieri faciat et sigillari tot et talia brevica, sub magno Sigillo nostro sigillanda, Custodi sive Clerico Hanaperii nostri dirigenda, pro Exoneratione dictorum Finium et Feodorum, quod et qualia in hac Parte necessaria fuerint et requisita absque aliquo alio Warranto aut Prosecutione penes Nos in hac Parte faciendis.

In cujus, &c.

Teste Rege apud *Westmonasterium*, nono die Decembris.

PER IPSUM REGEM.

COMMISSION de Francois, 1.^{er} a Jacques Quartier, pour l'establissement du Canada, du 17 Octobre 1540.

[Histoire de la Nouvelle France, par l'Escharbot, page 397.]

FRANCOIS, par la grace de Dieu, Roi de France: A tous ceux qui ces présentes lettres verront: Salut. comme pour le desir d'entendre & avoir connoissance de plusieurs pays qu'on dit inhabités, & autres être possédés par gens sauvages, vivans sans connoissance de Dieu & sans usage de raison, eussions dès pie-çà, à grands frais & mises, envoyé découvrir lesdits pays par plusieurs bons pilotes, & autres nos sujets de bon entendement, faveir et expérience, qui d'iceux pays nous auroient amené divers hommes que nous avons par long temps tenus en notre Royaume, les faisant instruire en l'amour et crainte de Dieu, et de sa sainte loi et doctrine chretienne, en intention de les faire remener esdits pays en compagnie de bon nombre de nos sujets de bonne volonte, afin de plus facilement induire les autres peuples d'iceux pays à croire en notre sainte foi: Et entr'autres y eussions envoyé notre cher et bien amé Jacques Quartier, lequel auroit decouvert grand pays des terres de Canada et Hochelaga faisant un bout de l'Asie du côté de l'occident; lesquels pays il a trouvé (ainsi qu'il nous

a rapporté) garnis de plusieurs bonnes commodités, et les peuples d'iceux bien fournis de corps et de membres, et bien disposés d'esprit et entendement; desquels il nous a semblablement amené aucun nombre, que nous avons par long temps fait voir et instruire en notredite sainte foi avec nosdits sujets : En considération de quoi, et de leur bonne inclination, Nous avons avisé et délibéré de renvoyer ledit Quartier esdits pays de Canada et Hochelaga, et jusques en la terre de Saguenai (s'il peut y aborder), avec bon nombre de navires, et de toutes qualités, arts et industrie, pour plus avant entrer esdits pays, converfer avec les peuples d'iceux, et avec eux habiter (si besoin est), afin de mieux parvenir à notredite intention, et à faire chose agréable à Dieu notre Créateur et Rédempteur, et que soit à l'augmentation de son sainte et sacre Nom, et de notre Mère sainte l'Eglise catholique, de laquelle nous sommes dits et nommés le premier fils : Par quoi soit besoin pour mellieur ordre et expédition de ladite entreprise, députer et établir un Capitaine général et maître pilote desdits navires, qui ait regard à la conduit d'iceux, et sur les gens, Officiers et Soldats y ordonnés et établis : Savoir faisons que Nous, à plein confians de la personne dudit Jacques Quartier et de ses sens, suffisance, loyauté, prud'homme, hardiesse, grande diligence et bonne expérience, icelui pour ces causes et autres à ce nous mouvans, avons fait, constitué et ordonné, faisons, constituons, ordonnons et établissons par ces presentes, Capitaine général et maître Pilote de tous les navires et autres vaisseaux de mer, par Nous ordonnés être menes pour ladite entreprise et expédition, pour ledit état et charge de Capitaine general et maître Pilote d'iceux navires et vaisseaux avoir, tenir et exercer par ledit Jacques Quartier, aux honneurs, prérrogatives, prééminences, franchises, libertés, gages et bienfaits, tels que par Nous lui seront pour ce ordonnés, tant qu'il nous plaira : Et lui avons donné, et donnons puissance et autorite de mettre, établir et instituer auxdits navires tels Lieutenans, patrons, pilotes et autres ministres nécessaires pour le fait et conduite d'iceux, et en tel nombre qu'il verra et connoitra être besoin et nécessaire pour le bien de ladite expédition. Si donnons en mandement par cesdites présentes à notre Amiral ou Vice-Amiral, que prins et reçu dudit Jacques Quartier le serment pour ce deu et accoutumé, icelui mettent et instituent, ou fassent mettre et instituer de par Nous en possession et saisine dudit état de Capitaine général et maître Pilote; et d'icelui, ensemble des honneurs, prerogatives, prééminences, franchises, libertés, gages et bienfaits, tels que par Nous lui seront pour ce ordonnés, le fassent, souffrent et laissent jouir et user pleinement et paisiblement, et à lui obier et entendre de tous ceux, et ainsi qu'il appartiendra des choses touchant et concernant ledit état et charge : Et outre, lui fasse, souffre et permette prendre le petit Galion, appelé l'Emerillon, que de présent il a de Nous, lequel est ja vieil et caduc, pour servir à l'adoub de ceux des navires qui en auront besoin, et lequel nous voulons être prins et applique par ledit Quartier pour l'effet dessus dit, sans qu'il soit tenu en rendre aucun autre compte de reliquat ; et duquel compte et reliquat nous l'avons

decharge

déchargé et déchargeons par icelles présentes: Par lesquelles Nous mandons aussi à nos Prevôts de Paris, Baillifs de Rouen, de Caen, d'Orléans, de Blois et de Tours, Sénéchaux du Maine, d'Anjou et Guienne, et à tous nos autres Baillifs, Sénéchaux, Prevôts, Alloués et autres nos Justiciers et Officiers, tant de notre Royaume que de notre pays de Bretagne uni à icelui, par devers lesquels sont aucuns prisonniers, accusés ou prévenus d'aucuns crimes quels qu'ils soient, fors de crimes de leze-Majesté divine et humaine envers Nous, et de faux monnoyeurs, qu'ils aient incontinent à délivrer, rendre et bailler ès mains dudit Quartier, ou ses commis et députés portans ces présentes, ou le duplicata d'icelles pour notre service en ladite entreprise et expedition, ceux desdits prisonniers qu'il connoitra être propres, suffisans et capables pour servir en icelle expedition, jusqu'au nombre de cinquante personnes, et selon le choix que ledit Quartier en fera, iceux premièrement jugés et condamnés selon leurs demerites et la gravite de leurs mesfaits, si jugés et condamnés ne sont; et satisfaction aussi préalablement ordonnée aux parties civiles et interessées, si faite n'avoit été: Pour laquelle toutesfois Nous ne voulons la délivrance de leur personne esdites mains dudit Quartier ('s'il les trouve de service) être retardée ne retenue; mais se prendra ladite satisfaction sur leurs biens seulement: Et laquelle délivrance desdits prisonniers accuses ou prévenus, Nous voulons être faite esdites mains dudit Quarter pour l'effet dessus dit, par nosdits Justiciers et Officiers respectivement, et par chacun d'eux en leur regard, pouvoir et juridiction, non obstant oppositions ou appellations quelconques faites ou a faire, relevées ou a relever, et sans que par le moyen d'icelles, icelle délivrance en la manière dessus dite, soit aucunement différée: Et afin que le plus grand nombre n'en soit tiré, outre lesdits cinquante, Nous voulons que la delivrance que chacun de nosdits Officiers en fera audit Quartier, soit écrite et certifiée en la marge de ces présentes, et que néanmoins registre en soit par eux fait et envoyé incontinent par devers notre amé et feal Chancelier, pour connoître le nombre et la qualité de ceux qui auront été bailles et délivrés: Car tel est notre plaisir; en témoin de ce Nous avons faite mettre notre scel à cesdites présentes. **DONNE** à Saint-Pris, le dix-septième jour d'Octobre, l'an de grace mil cinq cens quarante, et de notre regné le vingt-sixième. Ainsi signe sur le repli, Par le Roi, vous Monseigneur le Chancelier et autre presens, **DE LA CHESNAYE**. Et scellée sur le repli à simple queue de cire jaune.

Anno secundo et tertio EDWARDI VI. A. D. 1548.

[Ruffhead's Statutes at large, Vol. II. page 412.]

C A P. VI.

An ACT that the Admiral of ENGLAND, or any of his Officers, shall not exact any sums of money for Licence to traffick to ISELAND, &c.

FORASMUCH as within these few years now last past, there hath been levied, perceived and taken by certain of the officers of the admiralty, of such merchants and fishermen as have used and practised the adventures and journeys into *Isleland, Newfoundland, Ireland* and other places commodious for fishing and the getting of fish, in or upon the seas or otherwise, by way of merchandize in those parts, divers great exactions, as sums of money, doles or shares of fish, and such other like things, to the great discouragement and hindrance of the same merchants and fishermen, and to no little damage of the whole commonweal: And whereof also great complaints have been made and informations also yearly to the King's Majesty's most honourable council: For reformation whereof, and to the intent also that the said merchants and fishermen may have occasion the rather to practise and use the same trade of merchandize and fishing freely without any such charges or exactions as is before limited whereby it is to be thought that more plenty of fish shall come into this realm, and thereby to have the same at more reasonable prices:

Be it therefore enacted by the King our Sovereign Lord, and the Lords and Commons in this present Parliament assembled, and by the authority of the same, That neither the Admiral nor any officer or minister, officers or ministers of the Admiralty for the time being, shall in anywise hereafter exact, receive or take by himself, his servant, deputy, servants or deputies of any such merchant or fisherman any sum or sums of money, doles or shares of fish, or any other reward, benefit or advantage whatsoever it be, for any licence to pass this realm to the said voyages or any of them; upon pain to forfeit for the first offence treble the sum, or treble the value of the reward, benefit or advantage, that any such officer or minister shall hereafter have or take of any such merchant or fisherman, for the which forfeiture the party grieved, and every other person or persons, whatsoever he or they be, shall and may sue for the same by information, bill, plaint or action of debt, in any of the King's Courts of Record; the King to have one moiety, and the party complaining the other moiety: In which suit no essoign, protection or wager of law shall be allowed: And for the second offence, the party so offending not only to lose or forfeit his or their office or offices

fices in the Admiralty, but also to make fine and ransom at the King's will and pleasure.

Upon this Statute Hackluyt remarks as follows :

“ By this act it appeareth, that the trade out of England to *Newfoundland* was common and frequented about the beginning of the reign of *Edward* the VI. namely in the yere 1548, and it is much to be marvelled, that by the negligence of our men, the countrey in all this time hath bene no better searched.”

GRANT of a PENSION to SEBASTIAN CABOT.*

[Hackluyt, A. D. 1548.]

EDWARDUS Sextus, Dei Gratia, Angliæ, Franciæ, et Hiberniæ Rex, omnibus Christi fidelibus ad quos præsentēs hæc literæ nostræ pervenerint salutem Sciatis quod nos in consideratione boni et acceptabilis servitii nobis per dilectum fervientem nostrum Sebastianum Cabotam impensi atque impendendi de gratia nostra speciali ac ex certa scientia et mero motu nostro nec non de advisamento et consensu præclarissimi avunculi nostri Edwardi Ducis Somerseti personæ nostræ Gubernatoris ac Regnorum Dominiorum subditorumque nostrorum protectoris et cæterorum conciliariorum nostrorum dedimus et concessimus ac per præsentēs damus et concedimus eidem Sebastiano Cabotæ quandam annuitatem sive annualem redditum centum sexaginta et sex librarum tresdecim solidorum et quatuor denariorum sterlingorum habendam gaudendam et annuatim percipiendam prædictam annuitatem sive annualem redditum eidem Sebastiano Cabotæ durante vita sua naturali de thesauro nostro ad receptum scacarii nostri Westmonasterii per manus thesaurariorum et Camerariorum nostrorum ibidem pro tempore existentium ad festa annunciationis beate Mariæ Virginis nativitatis Sancti Joannis Baptistæ Sancti Michaelis Archangeli et Natalis Domini per equales portiones solvendam. Et ulterius de uberiori gratia nostra ac de advisamento et consensu prædictis damus et per præsentēs concedimus præfato Sebastiano Cabotæ tot et tantas denariorum summas ad quot et quantas dicta annuitas sive annalis redditus centum sexaginta sex librarum tresdecim solidorum et quatuor denariorum a festo Sancti Michaelis Archangeli ultimo præterito huc usque se extendit et attingit habendas et recipiendas præfato Sebastiano Cabotæ et assignatis suis de thesauro nostro prædicto per manus prædictorum thesaurariorum, et camerariorum nostrorum de dono nostro absque computo seu aliquo alio nobis hæredibus vel successoribus nostris proinde reddendo solvendo vel faciendo eo quod expressa mentio, &c. In cujus rei testimonium, &c. Teste Rege apud Westmonasterium 6 die Januarii anno 2 Regis Edwardi sexti.

* Hackluyt calls this, “ The large pension granted by K. Edward the VI. to Sebastian Cabota, constituting him Grand Pilot of England.”

The LETTERS PATENT *grawted by her MAJESTIE to Sir*
 HUMFREY GILBERT; *Knight, for the inhabiting and planting of our*
People in America.

[Hackluyt, page 677, A. D. 1578.]

ELIZABETH, by the Grace of God, Queene of England, &c. To all people to whom these presents shall come, greeting. Know ye that of our especial grace, certaine science, and meere motion, we have given and graunted, and by these presents for vs our heires and succeffours, do give and graunt to our trustie and well-beloved servaunt, Sir Humfrey Gilbert of Compton, in our countie of Devonshire, knight, and to his heires and assignes for ever, free libertie and licence, from time to time, and at all times for ever hereafter, to discover, finde, search out, and view such remote, heathen and barbarous lands, countries, and territories, not actually possessed of any Christian prince, or people, as to him, his heires and assignes, and to every or any of them, shall seeme good, and the same to have, hold, occupie, and enjoy to him, his heires and assignes for ever, with all commodities, iurisdiccions, and royalties both by sea and land: and the said Sir Humfrey, and all such as from time to time, by licence of us, our heires and succeffours, shall goe or travell thither, to inhabite or remaine there, to build and fortifie at the discretion of the said Sir Humfrey, and of his heires and assignes, the statutes or actes of parliament made against fugitives, or against such as shall depart, remaine or continue out of our realme of England without licence, or any other acte, statute, lawe, or matter whatsoever to the contrary in any wise notwithstanding. And we doe likewise by these presents, for us, our heires and succeffours, give full authoritie and power to the sayd Sir Humfrey, his heires and assignes, and every of them, that he and they, and every, or any of them, shall and may at all and every time and times hereafter, have, take, and lead in the same voyages, to travel thitherward, or to inhabite there with him, and every or any of them, such, and so many of our subjects as shall willingly accompany him and them, and every or any of them, with sufficient shipping, and furniture for their transportations, so that none of the same persons, nor any of them be such as hereafter shall be specially restrained by us, our heires and succeffours. And further, that he the sayd Sir Humfrey, his heires and assignes, and every or any of them shall have, hold, occupie and enjoy to him, his heires or assignes, and every of them forever, all the soil of all such landes, countries and territories so to bee discovered or possessed as aforesayd, and of all cities, castles, townes, and villages, and places in the same, with the rights, royalties and iurisdiccions, as well marine as other, within the sayde landes or countries of the seas thereunto adioyning, to be had or used with full power to dispose thereof, and of every part thereof in fee simple,

simple, or otherwise, according to the order of the lawes of England, as neere as the same conveniently may bee, at his, and their will and pleasure, to any person then beyng, or that shall remain within the allegiance of us, our heires and successours, paying unto us for all services, duties and demands, the fift part of all the oare of gold and silver, that from time to time, and at all times after such discoverie, subduing and possessing shall be there gotten: all which lands, countries and territories, shall forever be holden by the sayd Sir Humfrey, his heires and assignes, of us, our heires and successours, by homage, and by the sayd payment of the sayd fift part before referued onely for all seruices.

And moreouer, we do by these presents for us, our heires and successours, give and graunt licence to the sayde Sir Humfrey Gilbert, his heires or assignes, and to every of them, that hee and they, and every and any of them, shall and may from time to time, and all times foreuer hereafter, for his and their defence, encounter, expulse, repell, and resist, as well by sea as by land, and by all other wayes whatsoeuer, all and euery such person and persons whatsoeuer, as without the speciall licence and liking of the sayd Sir Humfrey, and of his heires and assignes, shall attempt to inhabite within the sayd countries, or any of them, or within the space of two hundreth leagues neere to the place or places within such countries as aforesayde, if they shall not be before planted or inhabited within the limites aforesayd, with the subjects of any Christian Prince, being in amitie with her Majesty, where the sayd Sir Humfrey, his heires or assignes, or any of them, or his or their, or any of their associates or companies, shall within fixe yeeres next ensuiing, make their dwellings and abidings, or that shall enterprife or attempt at any time hereafter unlawfully to annoy either by sea or land, the sayd Sir Humfrey, his heires and assignes, or any of them, or his or their, or any of their companies: giuing and graunting by these presents, further power and authoritie to the said Sir Humfrey, his heires and assignes, and euery of them from time to time, and at all times foreuer hereafter to take and surprise by all manner of meanes whatsoeuer, all and euery person and persons, with their shippes, vessels, and other goods and furniture, which without the licence of the said Sir Humfrey, or his heires or assignes, as aforesayd, shall be found traffiquing into any harborough or harboroughs, creeke or creekes, within the limites aforesayde, (the subiects of our realmes and dominions, and all other persons in amitie with us, being driuen by force of tempest, or shipwracke onely excepted) and those persons and euery of them with their ships, vessels, goods, and furniture, to detain and possesse, as of good and lawful prize, according to the discretion of him the said Sir Humfrey, his heires and assignes, and of euery or any of them. And for uniting in more perfect league and amitie of such countreys, landes and territories so to bee possessed and inhabited as aforesayde, with our realmes of England and Ireland, and for the better

ter encouragement of men to this enterprife : wee doe by theſe preſents graunt, and declare, that all ſuch countreys ſo hereafter to be poſſeſſed and inhabited as aforeſayd, from thenceforth ſhall bee of the allegiance of us, our heires and ſucceſſours. And we doe graunt to the ſaid Sir Humfrey, his heires and aſſignes, and to all and euery of them, and to all and euery other perſon and perſons, being of our allegiance, whoſe names ſhall be noted or entered in ſome of our courts of record within this our realme of England, and that with the aſſent of the ſaid Sir Humfrey, his heires or aſſignes, ſhall now in this iourney for diſcoverie; or in the ſecond iourney for conqueſt hereafter, trauel to ſuch lands, countries and territories as aforeſaid, and to their and euery of their heires, that they and euery or any of them being either borne within our ſaid realmes of England or Ireland, or within any other place within our allegiance, and which hereafter ſhall be inhabiting within any the lands, countries and territories, with ſuch licence as aforeſaid, ſhall, and may have, and enioy all the priuileges of free denizens and perſons native of England, and within our allegiance, any law, cuſtome, or uſage to the contrary notwithstanding. And for aſmuch as upon the finding out, diſcouering and inhabiting of ſuch remote lands, countries and territories as aforeſayd, it ſhall be neceſſarie for the ſafetie of all men that ſhall aduenture themſelues in thoſe iourneis or voiaages, to determine to live together in Chriſtian peace and ciuill quietneſſe, each with other, whereby euery one may with more pleaſure and proffit, enioy that whereunto they ſhall attaine with paine and perill: We for us, our heires and ſucceſſours are likewiſe pleaſed and contented, and by theſe preſents doe give and graunt to the ſaid Sir Humfrey, and his heires and aſſignes forever, that he and they, and euery or any of them, ſhal and may from time to time for euer hereafter within the ſaid mentioned remote lands and countreys, and in the way by the ſeas thither, and from thence, have ful and meere power and authoritie to correct, puniſh, pardon, gouerne and rule by their and euery or any of their good diſcretions and pollicies as well in cauſes capitall or criminall, as ciuill, both marine, and other, all ſuch our ſubiects and others, as ſhall from time to time hereafter aduenture themſelues in theſaid iournies or uoiaages habitatiue or poſſeſſiue, or that ſhall at any time hereafter inhabite any ſuch lands, countreys or territories as aforeſayd, or that ſhall abide within two hundred leagues of any the ſaid place or places, where the ſaid Sir Humfrey, or his heires or aſſignes, or any of them, or any of his or their associates or companies, ſhall inhabite within ſix yeeres next enſuing, the date hereof, according to ſuch ſtatutes, lawes and ordinances, as ſhall be by him the ſaid Sir Humfrey, his heires and aſſignes, or euery or any of them deuifed or eſtabliſhed for the better government of the ſaid people as aforeſayd: So alwaies that the ſaid ſtatutes, lawes and ordinances may be, as neere as conveniently may, agreeable to the form of the lawes and pollicie of England: And alſo, ſo as they be not againſt the true Chriſtian

Christian faith or religion now professed in the Church of England, nor in any wise to withdraw any of the subjects or people of the lands or places from the allegiance of us, our heires or successours, as their immediate soveraignes under God. And further we doe by these presents for us, our heires and successours, giue and graunt full power and authoritie to our trustie and well beloved counsellor, Sir *William Cecil*, knight, Lord Burleigh, our high treasurer of England, and to the lord treasurer of England, of us for the time being, and to the priuie counsell of us, our heires and successours, or any foure of them for the time being, that hee, they, or any foure of them, shall and may from time to time, and at all times hereafter, under his or their handes or seales by virtue of these presents, authorise and licence the sayd Sir Humfrey Gilbert, his heires and assignes, and euery or any of them by him and themselves, or by their or any of their sufficient attornies, deputies, officers, ministers, factors, and seruants, to imbarke and transport out of our realmes of England and Ireland, all, or any of his or their goods, and all or any the goods of his or their associates and companies, and euery or any of them, with such other necessaries and commodities of any our realmes, as to the sayd lord treasurer or foure of the priuie counsell of us, our heires and successours for the time being, as aforesaid, shall be from time to time by his or their wisdoms or discretions thought meete and convenient for the better reliefe and supportation of him the sayde Sir Humfrey, his heires and assignes, and euery or any of them, and of his or their, and euery or any of their said associates and companies, any acte, statute, law, or other thing to the contrarie in any wise notwithstanding.

Provided alwayes, and our will and pleasure is, and wee doe hereby declare to all Christian Kings, Princes, and States, that if the sayd Sir Humfrey, his heires or assignes, or any other by their licence and appointment, shal at any time or times hereafter robbe or spoile by sea or by land, or doe any acte of uniuert and unlawfull hostilitie to any of the subjects of us, our heires or successours, or any of the subjects of any King, Prince, Ruler, Governour or state being then in perfect league and amitie with us, our heires or successours, and that upon such iniurie, or upon iust complaint of any such Prince, Ruler, Governour or state, or their subjects, wee, our heires, or successours shall make open proclamation within any the portes of our Realme of England commodious, that the sayd Sir Humfrey, his heires or Assignes, or any other to whom these our letters patents may extend, shall within the term to be limited by such proclamations, make full restitution and satisfaction of all such iniuries done, so as both wee and the sayd princes, or others so complaining, may hold us and themselves fully contented: and that if the sayd Sir Humfrey, his heires and assignes, shall not make or cause to bee made satisfaction accordingly, within such time so to bee limited: that then it shall be lawfull to us, our heires and successours, to put the sayd Sir Humfrey, his

heires, assignes, and adherents, and all the Inhabitants of the said places to bee discovered as is aforesaid, or any them out of our allegiance and protection, and that from and after such time of putting out of protection the sayde Sir Humfrey, and his heires, assignes, adherents and others so to be put out, and the sayd places within their habitation, possession, and rule, shall bee out of protection and allegiance, and free for all Princes and others to pursue with hostilitie as not being our subiects, nor by us any way to bee advoided, maintained or defended, nor to be holden as any of ours, nor to our protection, dominion or allegiaunce any way belonging, for that expresse mention, &c. In witnesse whereof, &c. Witnesse ourselfe at Westminster the 11. day of June, the 20. yeere of our raigne.

PER IPSAM REGINAM, &c.

*The LETTERS PATENTS of the QUEENES MAIESTIE,
granted to Master ADRIAN GYLBERT and OTHERS, for the search
and discoverie of the North-west Passage to China.*

[Hakluyt. p. 774. A. D. 1585.]

ELIZABETH by the Grace of God of England, Fraunce, and Ireland, Queene, defender of the fayth, &c. To all, to whome these presents shall come greeting: Forasmuch as our trustie and well beloued subiect *Adrian Gylbert* of Sandridge in the Countie of Deuon, Gentleman, to his great costes and charges, hath greatly and earnestly trauailed and sought, and yet doth trauel and seeke, and by diuers meanes endeouureth and laboureth, that the Passage unto *China* and the Isles of *Moluccas*, by the North-westwarde, North-eastwarde, or Northwarde, unto which part or partes of the worlde, none of our loyal subiects haue hitherto had any traffic or trade, may be discovered, knownen, and frequented by the subiects of this our Realme: Know ye therefore that for the considerations aforesayd and for diuers other good considerations us thereunto specially mouing, We of our grace especiall, certain knowledge, and meere motion, haue giuen and graunted, and by these presents for us, our heires and successors, doe give and graunt free libertie, power, and full authoritie to the sayd *Adrian Gylbert*, and to any other person by him or his heires to be assigned, and to those his associates and assistants, whose names are written in a sedule hereunto annexed, and to their heires, and to one assignee of eche of them, and eche of their heires at all times, and at any time or times after the date of these presents, under our Banners and Ensignes freely, without let, interruption, or restraint of us, our heires or successors, any lawe, statute, proclamation, patent, char-

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ter, or prouiso to the contrary notwithstanding, to sayle, make voyage, and by any manner of meanes to passe and to depart out of this our Realme of Englande, or any our Realmes, Dominions, or Territories into all or any Isles, Countries, Regions, Prouinces, Territories, Seas, Riuers, Portes, Bayes, Creekes, armes of the Sea, and all Hauens, and all maner of other places whatsoeuer, that by the sayd North-westward, North-eastward, or Northward, is to be by him, his associates or assignes discovered, and for and in the sayde sayling, voyage, and passage, to haue and use so many Ships, Barks, Pinneßes, or other vessels of any quantitie or burthen, with all the furniture of men, victuals, and all maner of necessary prouision, armour, weapons, ordinance, targets, and appurtenances whatsoeuer, as to such a voyage shall or may be requisite, conuenient or commodious, any lawe, statute, ordinance or prouiso to the contrarie thereof notwithstanding. And also wee doe give and graunt to the sayde *Adrian Gylbert*, and his sayd associates, and to such assignee of him, and his heires, and to the heires and one assignee of euery of his sayde associates for euer, full power and absolute authoritie to trade and make their resiance in any of the said Isles, Countries, Regions, Prouinces, Territories, Seas, Rivers, Portes, Bayes, and Hauens, and all maner of other places whatsoeuer, with all commodities, profites, and emoluments in the sayd place or any of them, growing and arising, with all maner of priuileges, prerogatives, iurisdiccions and royalties both by sea and land whatsoeuer, yeelding and paying therefore unto us, our heires and successors, the tenth part of all such golde and siluer oare, pearles, iewels, and precious stones, or the value thereof, as the sayd *Adrian Gylbert* and his said associates, their heires and assignes, seruants, factors, or workmen, and euery or any of them shall finde, the sayd tenth to be deliuered duely to our Customer or other officers by us, our heires or successors thereunto assigned, in the Portes of London, Dartmouth, or Plymouth, at which three places onely the sayd *Adrian Gylbert*, and his sayd associates, their sayd heires and assignes, shall lade, charge, arriue, and discharge all maner of wares, goods, and merchandizes whatsoeuer to the sayd voyage and newe trade belonging or appertaining. And moreouer, we haue giuen, graunted, and authorized, and by these presents for us, our heires, and successors, of our grace especiall, certaine knowledge, and meere motion, doe give, graunt, and authorise the said *Adrian Gylbert*, and his sayd associates for euer, their heires, and their sayde assignes and euery of them, that if the aforesayd Isles, Countries, Regions, Prouinces, Territories, Seas, Riuers, Portes, Bayes, or Hauens, or any other of the premisses by the sayd *Adrian Gylbert* or his associates, their heires and their sayd assignes, or any of them to be found by them discovered and trafficked unto by any trade as aforesayd, shall be by any other our subiects visited, frequented, haunted, traded unto or inhabited by the wayes aforesayd, without the speciall licence in writing of the sayd *Adrian Gylbert* and his associates, and their heires and assignes for euer, or by the most part of them,

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so that the sayd *Adrian Gylbert*, his heires or assignes be one of them, that then as well their shippe or shippes in any such voyage or voyages used, as all and singular their goods, wares, and marchandizes, or any other things whatsoeuer, from or to any of the places aforesaid transported, that so shall presume to visit, frequent, haunt, trade unto, or inhabite, shall be forfeited and confiscated, *ipso facto*, the one halfe of the same goods and marchandizes, or other things whatsoeuer, or the value thereof to be to the use of us, our heires or successors, and the other moytie thereof to be to the use of the sayd *Adrian Gylbert*, and his sayd associates, their heires and assignes for euer : and unto the said *Adrian Gylbert* and his said associates, their heires and assignes, wee impose, give, assigne, create and confirme this name peculiar to be named by, to sue and to be sued by, that is to wit, by the name of the Colleagues of the fellowship for the discouerie of the North-west passage, and them for us, our heires and successors by that name doe incorporate, and doe erect and create as one body corporate to haue continuance for euer. Moreouer unto the sayd *Adrian Gylbert*, and his sayd associates, and unto their heires and their said assignes for euer, by the name of the Colleagues of the fellowship for the discouerie of the North-west passage, we haue giuen, graunted, and confirmed, and doe by these presents giue, graunt, and confirme full power and authoritie from time to time, and at all times hereafter, to make order, decree, and enact, constitute and ordeine, and appoint all such ordinances, orders, decrees, lawes, and acts, as the sayd newe corporation or body politique, Colleagues, of the fellowship for the discouerie of the North-west passage, shall thinke meete, necessary, and conuenient, so that they or any of them be not contrary to the lawes of this realme, and of this our present graunt.

And wee by our Royall prerogatiue, and fulnesse of our authoritie of our grace especiall, certaine knowledge and meere motion, doe establish, confirme and ratifie all such ordinances, orders, decrees, lawes and acts to be in so full and great power and authoritie, as we, our heires or successors may or can in any such case graunt, confirme, or ratifie. And further for the better incouragement of our louing subiects in this discouerie, wee by our Royall prerogatiue, and fulnesse of authoritie for us, our heires and successors, doe giue, graunt, establish, confirme, ordeine, ratifie and allowe by these presents, to the said *Adrian Gylbert* and to his associates, and to the heires and assignes of them and euery of them for euer, and to all other person or persons of our louing subiects whatsoeuer that shall hereafter trauell, sayle, discover, or make voyage as aforesayd to any the Isles, Mainelands, Countries or Territories whatsoeuer, by vertue of this our graunt to be discouered, that the heires and assignes of them and euery of them being bornewithin any of the Isles, Mainelands, and Countries, or Territories whatsoeuer before mentioned, shall haue and enjoy all the priuileges of free Denizens, as persons natiue borne within this our Realme of England, or within our allegiance for euer, in such like ample maner and forme, as if they were

or had bene borne and personally resiant within our sayd Realme, any lawe, statute, proclamation, custome or usage to the contrarie hereof in any wise notwithstanding. Moreouer, for the consideration aforesayd by vertue hereof, wee giue and graunt unto the sayd *Adrian Gylbert*, his heires and assignes for euer, free libertie, licence and priuilege, that during the space of five yeeres next and immediatly ensuing the date hereof, it shall be not lawfull for any person or persons whatsoever, to visite, haunt, frequent, trade or make voyage to any Isles, Mainelands, Countries, Regions, Provinces, Territories, Seas, Riuiers, Portes, Bayes, and Hauens, nor to any Hauens or places whatsoever hitherto not yet discovered by any of our subiects by vertue of this graunt to be traded unto, without the speciall consent and good liking of the sayd *Adrian Gylbert*, his heires or assignes first had in writing. And if any person or person or persons of the associates of the sayd *Adrian*, his heires or assignes, or any other person or persons whatsoever, free of this discouerie, shall doe any act or acts contrary to the tenor and true meaning hereof, during the space of the sayd five yeeres, that then the partie and parties so offending, they and their heires shall loose (*ipso facto*) the benefite and priuilege of this our graunt, and shall stand and remaine to all intents and purposes as persons exempted out of this graunt: And further by vertue hereof, we give and graunt for us, our heires and successors at all times during the space of five yeeres next ensuing the date hereof, free libertie and licence, and full authoritie to the sayd *Adrian Gylbert*, and his heires and assignes, that if it shall happen any one or moe in any shippe or shippes sayling on their sayd voyage, to become mutinous, seditious, disorderly, or anyway unruly to the preiudice or hinderance of the hope for succeſſe in the attempt or prosecuting of this discouerie or trade intended, to use or execute upon him or them so offending, such punishment, correction, or execution as the cause shall be found in iustice to require by the verdit of twelue of the companie sworne thereunto, as in such a case appertaineth: That expresse mention of the certaintie of the premises, or of other gifts or graunts by us to the sayd *Adrian Gilbert* and his associates before this time made is not mentioned in these presents, or any other lawe, act, statute, prouiso, graunt, or proclamation heretofore made or hereafter to be made to the contrary hereof in any wise notwithstanding. In witnesse whereof, we haue caused these our Letters to be made patents. Witnesse ourselfe at Westminster, the sixt day of Februarie, in the sixe and twentie yeere of our Reigne.

LETTER *from* Sir HUMPHREY GILBERT *to* Sir GEORGE PECKHAM.

[Purchas. Vol. III. p. 808.]

SIR GEORGE, I departed from *Plymouth* on the eleventh of June with five sailes, and on the thirteenth the Barke *Rawley* ran from me in faire and cleere weather, hauing a large winde. I pray you solicit my brother *Rawley* to make them an Example of all Knaues. On the third of August wee arriued at a Port called Saint *John's*, and will put to the Seas from thence (God willing) so soone as our ships will be ready. Of the *New-found-Land* I will say nothing, untill my next Letters. Be of good cheare, for if there were no better Expectation, it were a very rich demaynes, the countrey being very good, and full of all sorts of victuall, as fish, both of the fresh water and Sea fish, Deere, Pheasants, Partridges, Swann es, and diuers Fowles. I am in haste, you shall by every Messenger heare more at large. On the fifth of August, I entred here in the right of the Crowne of *England*, and have engrauen the armes of *England*; diuers *Spaniards*, *Portugals*, and other Strangers, witnessing the same. I can stay no longer; fare you well with my good Lady: and be of good cheare, for I have comforted my selfe, answerable to all my hopes. From Saint *John's* in the *New-found-Land*, the 8th of August, 1583.

Yours wholly to command,

No Man more,

HUM. GILBERT.

A LETTER *written from* M. THOMAS ALDWORTH, *Merchant, and then Maior of the Citie of Bristow, to the Right Honourable Sir FRANCIS WALSHINGHAM principal Secretarie to her MAIESTIE, concerning a Western Voyage intended for discoueries in America.*

[Hakluyt. p. 718. A. D. 1585.]

RIGHT HONOURABLE, upon the receit of your letters directed unto mee and deliuered by the bearer hereof M. Richard Hakluyt and M. Stevenfon, bearing date

date the 11. of March, I presently conferred with my friends in priuate, whom I know most affectionate to this godly enterprife, especially with M. William Salterne deputie of our companie of merchants: whereupon my selfe being as then sicke, with as conuenient speed as he could, he caused an assemblie of the merchants to be gathered, where after dutifull mention of your honourable disposition for the benefite of this citie, he by my appointment caused your letters being directed unto me priuatly, to be read in publike, and after some good light giuen by M. Hakluyt unto them that were ignorant of the country and enterprife, and were desirous to be resolued, the motion grew generally so well to bee liked, that there was eftsoones set down by mens ownehands then present, and apparantly known by their owne speach, and very willing offer, the summe of 1000 markes and upward: which summe if it should not suffice, we doubt not but otherwise to furnish out for this Western discouerie, a ship of three score, and a barke of 40 tunne, to be left in the countrey under the direction and gouernment of your sonne in law M. Carlisle, of whom we haue heard much good, if it shal stand with your honours good liking and his acceptation. In one of which barks we are also willing to haue Master Steeuenton your honours messenger, and one well known to us, as captain. And here in humble maner, desiring your honor to vouchsafe us of your further direction by a general letter to my selfe, my brethren, and the rest of the merchants of this citie, at your honors best and most conuenient leisure, because we meane not to deferre the finall proceeding in this voiage, any further than to the end of April next comming, I cease; beseeching God long to blesse and prosper your honourable estate. *Bristow, March 27, 1583.*

The LETTERS PATENTS, graunted by the QUEENES MAIESTIE to M. WALTER RALEGH now Knight, for the discouering and planting of new Lands and Countreys, to continue the space and time of 6 Yeeres, and no more.

[Hackluyt.]

ELIZABETH by the Grace of God of England, Fraunce and Ireland Queene, defender of the faith, &c. To all people to whome these presents shall come, greeting. Knowe yee that of our especial grace, certaine science, and meere motion, we haue given and graunted, and by these presents for us, our heires and successors, we giue and graunt: to our trustie and welbeloued seruant *Walter Ralegh* Esquire, and to his heires and assignes for euer, free libertie and licence from time to time, and at all times for euer hereafter, to discouer, search, finde out, and view such

such remote, heathen and barbarous lands, countreys, and territories, not actually possessed of any Christian Prince, nor inhabited by Christian People, as to him, his heires and assignes, and to euery or any of them shall seeme good, and the same to haue, holde, occupie and enjoy to him, his heires and assignes for euer, with all prerogatiues, commodities, iurisdiccions, royalties, priuileges, franchises, and preheminences, thereto or thereabouts both by sea and land, whatsoeuer we by our letters patents may graunt, and as we or any of our noble progenitors haue heretofore graunted to any person or persons, bodies politique or corporate: and the said *Walter Ralegh*, his heires and assignes, and all such as from time to time, by licence of us, our heires and succeffors, shall goe or trauaile thither to inhabite or remaine, there to build and fortifie, at the discretion of the saide *Walter Ralegh*, his heires and assignes, the statutes or acte of Parliament made against fugitiues, or against such as shall depart, remaine or continue out of our Realme of England without licence, or any other statute, acte, lawe, or any ordinance whatsoever to the contrary in any wise notwithstanding.

And we do likewise by these presents, of our especial grace, meere motion, and certain knowledge, for us, our heires and succeffors, giue and graunt full authoritie, libertie and power to the said *Walter Ralegh*, his heires and assignes, and euery of them, that he and they, and euery or any of them, shall and may at all and euery time, and times hereafter, haue, take, and leade in the saide voyage, and trauaile thitherward, or to inhabit there with him, or them, and euery or any of them, such and so many of our subjects as shall willingly accompanie him or them, and euery or any of them to whom also we doe by these presents, giue full libertie and authority in that behalfe, and also to haue, take, and employ, and vse sufficient shipping and furniture for the Transportations and Nauigations in that behalfe, so that none of the same persons or any of them, be such as hereafter shall be restrained by us, our heires, or succeffors.

And further that the saide *Walter Ralegh*, his heires and assignes, and euery of them, shall haue, holde, occupie, and enioye to him, his heires and assignes, and euery of them for euer, all the soyle of all such landes, territories, and Countreys, so to bee discovered and possessed as aforesaide, and of all such Cities, castles, townes, villages, and places in the same, with the right, royalties, franchises, and iurisdiccions, as well marine as other within the saide landes, or Countreys, or the seas thereunto adioyning, to be had, or used, with full power to dispose thereof, and of euery part in fee simple or otherwise, according to the order of the lawes of England, as neere as the same conueniently may bee, at his, and their will and pleasure, to any persons then being, or that shall remaine within the allegiance of us, our heires, and succeffors: reseruing always to us our heires, and succeffors, for all seruices, duties, and demaundes, the fift part of all the oare of golde and siluer, that from time to time, and at all times after such discouerie, subduing and possessing, shal be there gotten and

obtained:

obtained: All which landes, Countreys, and territories, shall for euer be holden of the said *Walter Ralegh*, his heires and assignes, of us, our heirs and successors, by homage, and by the said paiement of the said fift part, referued onely for all ser-vices.

And moreouer, we doe by these presents, for us, our heires and successors, giue and graunt licence to the said *Walter Ralegh*, his heirs, and assignes, and euery of them, that he, and they, and euery or any of them, shall and may from time to time, and at all times for euer hereafter, for his and their defence, encounter and expulse, repell and resist as well by sea as by lande, and by all other wayes whatsoeuer, all, and every such person and persons whatsoeuer, as without the especiall liking and licence of the saide *Walter Ralegh*, and of his heires and assignes, shall attempt to inhabit within the said Countreys, or any of them, or within the space of two hundred leagues neere to the place or places within such Countreys as aforesaid (if they shall not bee before planted or inhabited within the limits as aforesaide with the subjects of any Christian Prince being in amitie with us) where the saide *Walter Ralegh*, his heires, or assignes, or any of them, or his, or their or any of their associates or company, shall within sixe yeeres (next ensuing) make their dwellings or abidings, or that shall enterprife or attempt at any time hereafter unlawfully to annoy, either by sea or lande, the saide *Walter Ralegh*, his heirs or assignes, or any of them, or his or their, or any of his or their companies: giuing, and graunting by these presents further power and authoritie, to the said *Walter Ralegh*, his heirs and assignes, and euery of them from time to time, and at all times for euer hereafter, to take and surprise by all manner of meanes whatsoeuer, all and euery those person or persons, with their shippes, vessels, and other goods and furniture, which without the licence of the saide *Walter Ralegh*, or his heires, or assignes, as aforesaide, shalbe founde trafiquing into any harbour, or harbors, creeke, or creekes, within the limits aforesaide, (the subjects of our Realms and Dominions, and all other persons in amitie with us, trading to the *Newfound lands* for fishing as heretofore they haue commonly used, or being driuen by force of a tempest, or shipwracke onely excepted:) and those persons, and euery of them, with their shippes, vessels, goods and furniture to deteine and possesse as of good and lawfull prize, according the discretion of him the saide *Walter Ralegh*, his heires, and assignes, and euery, or any of them. And for vniting in more perfect league and amitie, of such Countreys, landes, and territories so to bee possessed and inhabited as aforesaide with our Realmes of Englande, and Ireland, and the better incouragement of men to these enterprises: we do by these presents, graunt and declare that all such Countreys, so hereafter to be possessed and inhabited as is aforesaide, from thencefoorth shall bee of the allegiance of vs, our heires and successors. And wee doe graunt to the saide *Walter Ralegh*, his heires, and assignes, and to all, and euery of them, and to all and euery other person, and persons being of our allegi-

ance, whose names shall be noted or entred in some of our Courtes of recorde within our Realme of Englande, that with the assent of the said *Walter Ralegh*, his heires or assignes, shall in his iourneis for discouerie, or in the iourneis for conquest, hereafter traueile to such lands, countreis and territories, as aforefaide, and to their, and to euery of their heires, that they, and euery or any of them, being either borne within our said Realmes of Englande, or Irelande, or in any other place within our allegiance, and which hereafter shall be inhabiting within any the lands, Countreis, and territories, with such licence (as aforefaide) shall and may haue all the priuiledges of free Denizens, and persons natieue of England, and within our allegiance in such like ample maner and fourme, as if they were borne and personally resident within our said Realme of England, any lawe, custome, or vsage to the contrary notwithstanding.

And for asmuch as upon the finding out, discouering, or inhabiting of such remote lands, countreis, and territories as aforefaid, it shal be necessary for the safetie of al men, that shal aduenture them selues in those iournies or voyages, to determine to liue together in Christian peace, and ciuil quietnes ech with other, wherby euery one may with more pleasure and profit enioy that whereunto they shall attaine with great paine and perill, we for vs, our heires and successors, are likewise pleased and contented, and by these presents do giue and graunt to the said *Walter Ralegh*, his heires and assignes for ever, that hee and they, and euery or any of them, shall and may from time to time for euer hereafter, within the said mentioned remote landes and Countreis in the way by the seas thither, and from thence, haue full and meere power and authoritie to correct, punish, pardon, gouerne, and rule by their and euery or any of their good discretions and pollicies, as well in causes capital, or criminall, as ciuil, both marine and other, all such our subiects as shall from time to time aduenture themselves in the said iournies or voyages, or that shall at any time hereafter inhabite any such landes, countreis, or territories as aforefaide, or that shall abide within 200. leagues of any of the said place or places, where the said *Walter Ralegh*, his heires or assignes, or any of them, or any of his or their associats or companies, shall inhabite within 6. yeeres next ensuing the date hereof, according to such statutes, lawes and ordinances, as shall bee by him the said *Walter Ralegh* his heires and assignes, and euery or any of them deuised, or established, for the better government of the said people as aforefaid. So alway as the said statutes, lawes, and ordinances may be as neere as conueniently may be, agreeable to the forme of the lawes, statutes, government, or pollicie of England, and also so as they be not against the true Christian faith, nowe professed in the Church of England, nor in any wise to withdrawe any of the subiects or people of those landes or places from the allegiance of vs, our heires and successors, as their immediate Soueraigne vnder God.

And further, wee doe by these presents for vs, our heires and successors, giue and graunt full power and authoritie to our trustie and welbeloued counsailler sir *William*

Cicill

Cicill knight, Lorde *Burghley*, our high Treasourer of England, and to the Lorde Treasourer of England, for vs, our heires and succcessors for the time being, and to the priuie Counsell, of vs, our heirs and succcessours, or any foure or more of them for the time being, that hee, they, or any foure or more of them, shall and may from time to time, and at all times hereafter, vnder his or their handes or seales by vertue of these presents, authorise and licence the faide *Walter Ralegh*, his heires and assignes, and euery or any of them by him, and by themselues, or by their, or any of their sufficient Attornies, deputies, officers, ministers, factors, and seruants, to imbarke and transport out of our Realme of England and Ireland, and the Dominions thereof all, or any of his, or their goods, and all or any the goods of his and their associats and companies, and euery or any of them, with such other necessaries and commodities of any our Realmes, as to the faide Lorde Treasourer, or foure or more of the priuie Counsaile, of vs, our heires and succcessors for the time being (as aforefaide) shalbe from time to time by his or their wisdomes, or discretions thought meete and conuenient, for the better reliefe and suppartation of him the faide *Walter Ralegh*, his heires, and assignes, and euery or any of them, and of his or their or any of their associats and companies, any acte, statute, lawe, or other thing to the contrary in any wise notwithstanding.

Provided alwayes, and our will and pleasure is, and wee do hereby declare to all Christian kings, princes and states, that if the faide *Walter Ralegh*, his heires or assignes, or any of them, or any other by their licence or appointment, shall at any time or times hereafter, robbe or spoile by sea or by lande, or do any acte of unjust or unlawful hostilitie, to any of the subjects of vs, our heires or succcessors, or to any of the subjects of any the kings, princes, rulers, governors, or estates, being then in perfect league and amitie with us, our heires and succcessors, and that upon such injury, or upon iust complaint of any such prince, ruler, governour, or estate, or their subiects, wee, our heires and succcessours, shall make open proclamation within any the portes of our Realme of England, that the faide *Walter Ralegh*, his heires and assignes, and adherents, or any to whome these our letters patents may extende, shall within the termes to be limited, by such proclamation, make full restitution, and satisfaction of all such injuries done, so as both we and the said princes, or other so complayning, may holde vs and themselues fully contented. And that if the faide *Walter Ralegh*, his heires and assignes, shall not make or cause to be made satisfaction accordingly, within such time so to bee limited, that then it shall be lawfull to us our heires and succcessors, to put the faide *Walter Ralegh*, his heires and assignes and adherents, and all the inhabitants of the said places to be discouered (as is aforefaide) or any of them out of our allegiance and protection, and that from and after such time of putting out of protection the said *Walter Ralegh*, his heires, assignes and adherents, and others so to be put out, and the said places with-

in their habitation, possession and rule, shal be out of our allegiance and protection, and free for all princes and others, to pursue with hostilitie, as being not our subiects, nor by vs any way to be auouched, maintained or defended, nor to be holden as any of ours, nor to our protection or dominion, or allegiance any way belonging, for that expresse mention of the cleer yeerely value of the certaintie of the premisses, or any part thereof, or of any other gift, or grant by vs, or any our progenitors, or predecessors to the said *Walter Raleigh*, before this time made in these presents be not expressed, or any other grant, ordinance, prouision, proclamation, or restraint to the contrarye thereof, before this time giuen, ordained, or prouided, or any other thing, cause, or matter whatsoeuer, in any wise notwithstanding. In witness whereof, we haue caused these our letters to be made patents. Witnesse our selues, at *Westminster*, the 25. day of March, in the fixe and twentieth yeere of our Raigne.

The Names of those who composed the first English Colony which settled in Virginia; who were, by Agreement, to remain there one whole Year at least.

[Taken from Hackluyt.]

Master Philip Amades, Admiral of the countrie.	Richard Gilbert.
Master Hariot.	Stephen Pomarie.
Master Aston.	John Brocke.
Master Edward Stafford.	Bennet Harrye.
Thomas Luddington.	James Stevenfon.
Master Marcuyn.	Charles Stevenfon.
Master Gardynier.	Christopher Lowde.
Captaine Vaughan.	Jeremy Man.
Master Kendall.	James Mafon.
Master Prideox,	Dauid Salter.
Robert Holecroft.	Richard Ireland.
Rife Courtney.	Thomas Bookener.
Master Hugh Rogers.	William Philippes.
Master Thomas Haruie.	Randal Mayne.
Master Snelling.	James Skinner.
Master Anthony Ruffe.	George Efeuen.
	John Chaundeler.

Master

Master Alleyne.
 Master Michel Polyfon.
 John Cage.
 Thomas Parre.
 William Randes.
 Geffery Churchman.
 William Farthowe.
 John Taylor.
 Philippe Robyns.
 Thomas Phillippes.
 Valentine Beale.
 Thomas Foxe.
 Edward Nugen.
 Darby Glande.
 Edward Kelle.
 John Gostigo.
 Erasmus Clefs.
 Edward Ketcheman.
 John Linsey.
 Thomas Rottenbury.
 Roger Deane.
 John Harris.
 Frauncis Norris.
 Mathewe Lyne.
 Edward Kettell.
 Thomas Wisse.
 Robert Biscombe.
 William Backhouse.
 William White.
 Henry Potkin.
 Dennis Barnes,
 Joseph Borges.
 Doughan Gannes.
 William Tenche.
 Randall Latham.
 Thomas Hulme.
 Walter Myll,

Philip Blunt.
 Richard Poore.
 Robert Young.
 Marmaduke Constable.
 Thomas Heskett.
 William Wasse.
 John Feuer.
 Daniel.
 Thomas Taylor.
 Richard Humfrey.
 John Wright.
 Gabriel North.
 Bennet Chappell.
 Richard Sarc.
 James Lafie.
 Smolkin.
 Thomas Smart.
 Robert.
 John Euans.
 Roger Large.
 Humfrey Garden.
 Frauncis Whitton.
 Rowland Griffyn.
 William Millard.
 John Twyt.
 Edward Sekelmore.
 John Anwicke,
 Christopher Marshall.
 David Williams.
 Nicholas Swabber.
 Edward Chipping.
 Sylvester Beching.
 Vincent Cheyne.
 Haunce Walters.
 Edward Barecombe.
 Thomas Skeuelabs.
 William Walters.

The foregoing persons arrived in Virginia in June 1585, and returned to England in June 1586.

The Names of all the Men, Women and Children, which safely arrived in Virginia, and remained to inhabite there. 1587. Anno Regni Reginae Elizabethæ. 29.

[Taken from Hackluyt.]

John White.	Robert Little.	* Virginia Dare	} Children born in Virginia.
Roger Bailie.	Hugh Taylor.	Haruye.	
Ananias Dare.	Richard Wildye.		
Christopher Cooper.	Lewis Wotton.		
Thomas Stevens.	Michael Bishop.		
John Sampson.	Henry Browne.	Manteo	} Savages that were in Englande and returned home into Virginia with them.
Dyonis Haruie.	Henry Rufoote.	Towaye	
Roger Prat.	Richard Tomkins.		
George Howe.	Henry Dorrell.		
Simon Fernando.	Charles Florrie.		
Nicholas Johnfon.	Henry Mylton.		
Thomas Warner.	Henry Payne.		
Anthony Cage.	Thomas Harris.		
John Jones.	William Nicholes.		
William Willes.	Thomas Pheuens.		
John Brooke.	John Borden.		
Cuthbert White.	Thomas Scot.		
John Bright.	Peter Little.		
Clement Taylor.	John Wyles.		
William Sole.	Brian Wyles.		
John Cotfmur.	George Martyn.		
Humfrey Newton.	Hugh Pattenfon.		
Thomas Colman.	Martyn Sutton.		
Thomas Gramme.	John Farre.		
Marke Bennet.	John Bridger.		
John Gibbes.	Griffen Jones.		
John Stilman.	Richard Shaberdge.		
Robert Wilkinfon.	James Lafie.		

John

* She was born at Roanoke in 1587, and was the first English Child born in Virginia.

John Tydway.
 Ambrose Viccars.
 Edmond English.
 Thomas Topan.
 Henry Berrye.
 Richard Berrye.
 John Spendloue.
 John Hemmington.
 Thomas Butler.
 Edward Powell.
 John Burden.
 James Hynde.
 Thomas Ellis.
 William Browne.
 Michael Myllet.
 Thomas Smith.
 Richard Kemme.
 Thomas Harris.
 Richard Tauerner.
 John Earnest.
 Henry Johnson.
 John Starte.
 Richard Darige.
 William Lucas.
 Arnold Archard.
 John Wright.
 William Dutton.
 Morris Allen.
 William Waters.
 Richard Arthur.
 John Chapman.
 William Clement.

John Cheuen.
 Thomas Hewet.
 William Berde.
 Elyoner Dare.
 Margery Haruic.
 Agnes Wood.
 Wenefrid Powel.
 Joyce Archard.
 Jane Jones.
 Elizabeth Glane.
 Jane Pierce.
 Audry Tappan.
 Alife Chapman.
 Emme Merrimoth.
 Colman.
 Margaret Lawrence.
 Joan Warren.
 Jane Mannering.
 Rose Payne.
 Elizabeth Viccars.
 John Sampson.
 Robert Ellis.
 Ambrose Viccars.
 Thomas Archard.
 Thomas Humfrey.
 Tomas Smart.
 George Howe.
 John Prat.
 William Wythers.

} Women.

} Boys and Children.

AN ASSIGNMENT *from Sir WALTER RALEIGH, to diuers
Gentlemen, and Merchants of London, for the inhabiting and planting
of our People in Virginia.*

[Hackluyt, Edit. 1589. Page 815.]

THIS Indenture made the 7 of March, in the 31 yeere of the raigne of our Soueraigne Lady Elizabeth by the grace of God of England, France and Ireland Queene, defender of the fayth &c. between the right worshipfull Sir Walter Raleigh, of Colaton Raleigh, in the County of Devon knight, Lord warden of the Stanarie, and chiefe gouvernour of *Affamacock* alias *Wingandacoia*, alias *Virginia*, on the one partie, and Thomas Smith, William Sanderfon, Walter Bayly, William Gamage, Edmund Neuil, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetwood, John Gerrard, Robert Macklyn, Richard Hackluyt, Thomas Hoode, Thomas Wade, Richard Wright, Edmund Walden, merchants of London, and aduenturers to Virginia aforefayd, John Whyte, Roger Baylye, Ananias Dare, Christopher Cooper, John Samfon, Thomas Steevens, Roger Pratt, Dionife Haruie, John Nichols, Humfrey Dimmocke, late of London, Gentlemen, of the other partie, witneffeth, that whereas Sir Walter Raleigh knight by vertue of the Queenes Majesties letters patents dated at Westminster, the 25 day of Marche, in the 26 yeere of her highnes raigne, vnto him the fayd Sir Walter Raleigh, by the name of her maiesties trusty and welbeloued Seruant Water Raleigh Esquire, granted for the discouering, finding out and planting of vnknown and remote lands, and countries, as by the fayd letters patents, at large doeth, and may more plainly appeare; hath by this indenture of graunt bearing date after the computation of England the 7. day of Januarie in the yeere of our Lorde God 1587. and in the 29. yeere of the raigne of our Soueraigne Lady Queene Elizabeth, made betwixt him the said Sir Walter Raleigh knight of the one partie, and John White, Roger Baylye, Ananias Dayre, Christopher Cooper, John Sampfon, Thomas Steeuens, William Fulwood, Roger Pratt, Dionife Haruie, John Nichols, George Howe, James Plat, and Simon Fernando of London, Gentlemen of the other partie, graunted unto the said John White, Roger Baylye, and the rest, free libertie to carrie with them into the late discouered barbarous lande, and countrie, called *Affamacock*, alias *Wingandacoia*, alias *Virginia*, there to inhabite with them such, and so many of her Maiesties Subiects, as shall willingly accompany them, together with sufficient shipping and furniture for the same, and also diuers and sundrie

drie other prerogatiues, iurifdictions, royalties and preheminencies, as in, and by the faid indenture of graunt it doeth, and may more at large alfo appeare: Nowe the faide Thomas Smith, William Sanderfon, Walter Baylye, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklin, Richard Hackluyt, Thomas Hood, Thomas Wade, Richard Wright, Edmund Walden, and others, aduenturers as aforefayde purpofing and intending to be made free of the corporation, companie and focietic lately made by the fayd Sir Walter Raleigh, in the Citie of Raleigh, intended to be erected and builded in *Afamacomock*, alias *Wingandacoia*, alias *Virginia* aforefaid, as by his faid Indenture made to the faid John White, Roger Bayly and the reft more at large it doth appeare, doe vpon the fealing, effecting, and confirmation of thefe patents adventure diuers and fundry fums of money, merchandifes, and fhiping, munition, victual, and other commodities into the faid forraine and remote country of *Affamacomock*, alias *Wingandacoia*, alias *Virginia* aforefaid; in confideration as wel of which adventure, as alfo for diuers and fundry other good caufes, and confiderations him the fayde Sir Walter Raleigh thereunto efpecially mouing, The fayd Sir Walter Raleigh hath given graunted, couenanted and promifed, and by thefe prefents for himfelfe, his heyres and affignes, and euery of them, doth give, graunt, couenant,, and promife, to and with the faid Thomas Smith, William Sanderfon, Walter Bayly, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklyn, Richard Hackluyt, Thomas Hoode, Thomas Wade, Richard Wright, Edmund Walden, and others aduenturers aforefayde, and unto and with the fayd John White, Roger Baylye, Ananias Dayre, Chriftopher Cooper, John Samfon, Thomas Steevens, Roger Prat, Dionife Haruic, John Nichols, Humfrey Dimmocke, and euery of them, their heyres and affignes, and the heyres and affignes of euery of them, and their, and euery of their Deputies, Factors or Apprentices, who fhall ferue them or any of them, by the fpace of feuen yeeres, that they, and euery, or any of them, fhall from time to time, and at all times for euer have free trade and traffique for all manner of merchandize or commodities whatfoeuer, vnto, in, and from all that part of *America* called *Afamacomock*, alias *Wingandacoia*, alias *Virginia* aforefayde, or vnto, or from any other part, or countrie of, or in *America* aforefayde, where hee the fayde Sir Walter Raleigh his heyres or affignes, or any other perfon or perfons clayming or pretending any manner of right, title or intere^t, or which hereafter fhall or may claime or pretend any right, title or intereft, by, from, or under him the fayde Sir Walter Raleigh, hath, challengeth, claymeth, or may or fhall hereafter, haue, chaleng, or clayme, any intereft, iurifdiction, title, rule, or priuilege, by any conuiciance, or difcouerie heretofore made,

or hereafter to be made, or by any other way or meanes whatsoeuer. And further the sayde Sir Walter Raleigh, as well for, and in especiall regard, and zeale of planting the christian Religion, in, and amongst the sayde barbarous and heathen countries, and for the aduancement and preferment of the same, and the common vtilitie and profite of the inhabitants therein, as also for the incouragement of the sayde Thomas Smith, William Sanderfon, Walter Baylye, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, Thomas Martin, Gabriel Harris, William George, William Stone, Henry Fleetewood, John Gerrard, Robert Macklin, Richard Hackluyt, Thomas Hood, Thomas Wade, Richard Wright, Edmund Walden, John White, John Nichols, and the other assistants now lying in *Virginia*, and others aduenturers aforesayde, their heires, and assignes, doth by these presents, freely and liberally dispose, and give unto them, the sayd Thomas Smith, William Sanderfon, and the rest aforesaid, the summe of one hundred pounds of lawful money of England, to be by them aduentured and disposed, in, and amongst other their aduentures vnto the places, and countries beforementioned, To have, hold, occupie, vse, employ, possesse, enjoy, and dispose, as well the sayde summe of 100. pound, given as aforesayde, as also all such gayne, profite, commoditie, aduantage and increase, as they by God's assistance, shall thereof make, to their onely vses and behoofes, and to the vses and behoofes of the seuerall heyres, executors and assignes of them and euery of them, without rendering any account for the same, or any parcel thereof, to the sayde Sir Walter Raleigh, his heires, executors or assignes, or any of them. And the said Sir Walter Raleigh, for himselfe, his heyres, and assignes, and euery of them, doeth further couenant and graunt, to, and with the sayde Thomas Smith, William Sanderfon, Walter Bayly, William Gamage, Edmund Neuill, Thomas Harding, Walter Marler, and the rest aforesayde, and to, and with the sayde John White, Roger Bayly, Ananias Dayre, Christopher Cooper, John Sampson, Thomas Steevens, Roger Pratt, Dionise Haruie, John Nichols, and Humfrie Dymmock, and the heyres and assignes of them, and euery of them by these presents, to discharge, saue, and keep harmlesse, from time to time, and at all times for euer, them and euery of them, their seuerall heires, and assignes, and euery of them, and the deputies, factors and seruants of them, and euery of them, and apprentices of them, and euery and any of them, who shall serue them or any of them the space of seuen yeeres, of, and from all rents, subsidies, customs, toles, taxes, tallages, and all other charges, seruices, duties, and demaundes, whatsoeuer required or demaunded, or to be required or demanded at any time or times hereafter, or for the trading, or transporting any commoditie or profite, into or from the sayde countrie of *Assamacock*, alias *Wingandacoia*, alias *Virginia* aforesayde, or any other countrie in *America* aforesayde, whereunto, or wherein, the sayde Sir Walter Raleigh, his heyres, or assignes, hath or may or shall haue any interest, right or title, by virtue of the sayde letters

patents.

pattents, or by any discouerie, or other means whatfoeuer, or for any other matter, cause or thing whatfoeuer : the fift part of all the oare of golde, and filuer, that from time to time, and at all times after fuch discouerie, fubduing and poffeffing as aforefaide, fhall be there gotten, and obtained (alwaies referved to the vfe of the faid Sir Walter Raleigh, his heyres and assignes) onely excepted, and foreprifed. And the fayd Sir Walter Raleigh doeth further couenant, and graunt by thefe presents, for him, his heyres and assignes, to and with the fayd Thomas Smith, William Sanderfon, and the reft aforefaide, their heires and assignes, that he the fayd Sir Walter Raleigh, his heyres or assignes vpon fufficient and reasonable request made to him by the perfons aforefaid, or any of them, their heires or assignes, fhall and will at any time, or times hereafter, ratifie, affirme, and approue by his dedde, or deedes, or by any other conueiance, or conueiances in lawe, the corporation heretofore made, by him the fayd Sir Walter Raleigh, confifting of the Gouvernor, and twelve affiftants as by his fayd indenture made to John White and others, more plainly doth appeare, for the more perfect, and better affurance, and fure making of the fayd corporation, if any imperfection, and want in law thereof bee. And further that hee the fayde Sir Walter Raleigh, his heyres, and assignes, fhall, and will, as much as in him or them lieth, procure, and indeuor to obtaine, the Queene's maiefties letters patents, for ratification, approbation, and more fure confirmation, of the fayde corporation, and focietie, with al prerogatiues, commodities, iurifdictions, royalties, priuiledges, and preheminences, whatfoeuer graunted and conueied by her maieftie to the faide Sir Walter Raleigh, his heires and assignes, or by him the faide Sir Walter Raleigh to the faid John White, and others, as by his faid Indenture of Graunt made to the faide John White and others more plainly appeareth. In witnefs whereof, the parties to thefe presents, haue hereunto interchangeably put their hands, and feales, the day and yeare firft aboue written.

LETTRES PATENTES *pour le Sieur DE MONTS, de Lieutenant
Général à l'Acadie & pays circonvoifins, du 8 Novembre, 1603.*

[Histoire de la Nouvelle France, par l'Escarbot, page 417.]

HENRY, par la grace de Dieu, Roi de France et de Navarre: A notre cher et bien amé le Sieur de Monts, gentilhomme ordinaire de notre Chambre, SALUT. Comme notre plus grand foing et travail foit et ait toujourns été, depuis notre avènement à cette couronne, de la maintenir et conſerver en ſon ancienne dignité, grandeur et ſplendeur, d'étendre et amplifier, autant que légitimement ſe peut faire, les bornes et limites d'icelle : Nous étant dès long-temps a informés de la ſituation et condition des pays et territoire de l'Acadie, mûs ſur toutes chofes d'un zèle ſingulier

singulier et d'une dévote et ferme résolution que nous avons prise avec l'aide et assistance de Dieu, auteur, distributeur et protecteur de tous Royaumes et E'tats, de faire convertir, amener et instruire les peuples qui habitent en cette contrée, de présent gens barbares, athées, sans foi ne religion, au Christianisme et en la créance et profession de notre foi et religion, et les retirer de l'ignorance et infidélité où ils sont. Ayans aussi dès long temps reconnu, sur le rapport des Capitaines de navires, Pilotes, Marchands et autres qui *de longue main ont hanté, fréquenté, et traffiqué avec ce qui se trouve de peuples esdits lieux*, combien peut être fructueuse, commode et utile à nous, à nos E'tats et sujets, le demeure, possession et habitation d'iceux, pour le grand et apparent profit qui se retirera par le grand fréquentation et habitude que l'on aura avec les peuples qui s'y trouvent, et le trafic et commerce qui se pourra, par ce moyen, sûrement traiter et négocier. Nous, pour ces causes, à plien confians de votre grand prudence, et en la cognoissance et expérience que vous avez de la qualité, condition et situation dudit pays de l'Acadie; pour les *diverses navigations, voyages et fréquentations que vous avez faits en ces terres et autres proches et circonvoisines*, nous assurant que cette notre résolution et intention vous étant commise, vous la fçavez attentivement, diligemment et non moins courageusement et valeureusement exécuter et conduire à la perfection que nous désirons; vous avons expressément commis et établi, et par ces présentes signées de notre main, vous commettons, ordonnons, faisons, constituons et établissons notre Lieutenant général, pour représenter notre personne, au pays, territoire, côtes et *confins* de l'Acadie, à commencer dès le quarantième degré jusqu'au quarante-sixième; et en icelle étendue ou partie d'icelle, tant et si avant que faire se pourra, établir, étendre et faire connoître notre nom, puissance, et autorité, et au icelle assujétir, submettre et faire obéir tous les peuples de ladite terre et *les circonvoisins*; et par le moyen d'icelles et toutes autres voies licites, les appeler, faire instruire, provoquer et émouvoir à la cognoissance de Dieu et à la lumière de la foi et religion chrétienne, la y établir, et en l'exercice et profession d'icelle, maintenir, garder et conserver lesdits peuples, et tous autres habitués esdits lieux, et en paix, repos et tranquillité, y commander tant par mer que par terre, ordonner, décider, et faire exécuter tout ce que vous jugerez le devoir et pouvoir faire pour maintenir, garder et conserver lesdits lieux sous notre puissance et autorité, par les formes, voies et moyens prescrits par nos ordonnances: Et pour y avoir égard, avec vous commettre, établir et constituer tous Officiers, tant ès affaires de la guerre que de justice et police, pour la première fois, et de là en avant, nous les nommer et présenter, pour en être par nous disposé, et donne les lettres, titres et provisions tels qu'ils seront nécessaires. Et selon les occurrences des affaires, vous-meme, avec l'avis de gens prudens et capables, prescrire, sous notre bon plaisir, des loix, statuts et ordonnances, autant qu'il se pourra, conformes aux nôtres, notamment ès choses et matières auxquelles n'est pourvû par icelles, traiter et contracter à

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même effet, paix, alliance et confédération, bonne amitié, correspondance et communication avec lesdits peuples et leurs Princes, ou autres ayans pouvoir et commandement sur eux, entretenir, garder et soigneusement observer les Traités et alliances dont vous conviendrez avec eux, pourvu qu'ils y satisfassent de leur part ; & à ce défaut leur faire guerre ouverte pour les contraindre et amener à telle raison que vous jugerez nécessaire, pour l'honneur, obéissance et de service de Dieu, et l'établissement, manutention et conservation de notre dite autorité parmi eux ; du moins pour hanter et fréquenter par vous et tous nos sujets avec eux, en toute assurance, liberté, fréquentation et communication, y négocier et trafiquer amialement et paisiblement, leur donner et octroyer grâces et privilèges, charges et honneurs. Lequel entier pouvoir susdit, voulons aussi et ordonnons que vous ayez sur tous nosdits sujets et autres qui se transporteront et voudront s'habituer, trafiquer, négocier et résider esdits lieux, tenir, prendre, réserver et vous approprier ce que vous voudrez et verrez vous être plus commode et propre à votre charge, qualité et usage : desdites terres, en départir telles parts et portions, leur donner et attribuer tels titres, honneurs, droits, pouvoir et facultés que vous verrez besoin être, selon les qualités, conditions et mérites des personnes du pays ou autres, sur-tout peupler, cultiver et faire habiter lesdites terres, le plus promptement, soigneusement et dextrement, que le temps, les lieux et commodités le pourront permettre, en faire ou faire faire à cette fin la découverte et reconnoissans en l'étendue de côtes maritimes *et autres contrées de la Terre ferme*, que vous ordonnerez et prescrirez en l'espace susdit du quarantième degré jusqu'au quarante-sixième, ou autrement, tant et si avant qu'il se pourra, le long desdites côtes et en la Terre ferme, faire soigneusement rechercher et reconnoître toutes sortes de mines d'or et d'argent, cuivre et autres métaux et minéraux, les faire fouiller, tirer, purger et affiner pour être convertis en usage, disposer suivant que nous avons prescrit par les édits et réglemens que nous avons faits en se Royaume, du profit et émolument d'icelles, par vous ou ceux que vous aurez établis à cet effet, nous réservant seulement le dixième denier de ce qui proviendra de celles d'or, d'argent et cuivre, vous affectant ce que nous pourrions prendre auxdits autres métaux et minéraux, pour vous aider et soulager aux grandes dépenses que la charge susdite vous pourra apporter. Voulant cependant que pour votre sûreté et commodité, et de tous ceux de nos sujets qui s'en iront, habiteront et trafiqueront esdites terres, comme généralement de tous autres qui s'y accommoderont sous notre puissance et autorité, vous puissiez faire bâtir et construire un ou plusieurs forts, places, villes et toutes autres maisons, demeures et habitations, ports, havres, retraites et logemens que vous connoîtrez propres, utiles et nécessaires à l'exécution de ladite entreprise, établir garnisons et gens de guerre à la garde d'iceux, vous aider et prévaloir aux effets susdits des vagabonds, personnes oiseuses et sans aveu, tant es villes qu'aux champs, et des condamnés à bannissement perpétuel, ou à trois ans au moins hors

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notre Royaume, pourvû que cé soit par avis et consentement et de l'autorité de nos Officiers. Outre ce que dessus, et qui vous est d'ailleurs prescrit, mandé et ordonné par les commissiions et pouvoirs que vous a donnés notre très-cher cousin le Sieur d'Anville, Admiral de France, pour ce qui concerne le fait et la charge de l'Admirauté, en l'exploit, expédition et exécution des choses susdites; faire généralement pour la conquête, peuplement, habitation et conservation de ladite terre de l'Acadié, *et des côtes, territoires circonvoisins*, et de leurs appartenances et dépendances, sous notre nom et autorité, ce que nous-mêmes ferions et faire pourrions, si présens en personne y étions, jaoit que le cas requit mandement plus spécial que nous ne le vous prescrivons par cesdites présentes, au contenu desquelles, mandons, ordonnons, es très-expressément enjoignons à tous nos Justiciers, Officiers et sujets de se conformer et vous obéir, et entendre en toutes et chacune les choses susdites, leurs circonstances et dépendances. Vous donner aussi, en l'exécution d'icelles toute aide et confort, main-forte et assistance dont vous aurez besoin, et feront par vous requis, le tout à peine de rebellion et disobéissance; et afin que personne ne prétende cause d'ignorance de cette notre intention, et se veuille immiscer en tout ou partie de la charge, dignité et autorité que nous vous donnons par ces présentes; Nous avons, de nos certaine science, pleine puissance et autorité royale, révoqué, supprimé et déclaré nuls et de nul effet, ci-après et dès-à-présent, tous autres pouvoirs et commissiions, lettres et expéditions donnés et délivrés à quelque personne que ce soit, pour découvrir, peupler et habiter en l'estendue susdite desdites terres, situées depuis ledit quarantième degré jusqu'au quarante-fixième, quelles qu'elles soient: Et outre ce, mandons et ordonnons à tous nosdits Officiers, de quelque qualité et condition qu'ils soient, que ces présentes ou *vidimus*, dûment collationnés d'icelles par l'un de nos amés et féaux Conseillers Notaires et Secrétaires, ou autre Notaire Royal, ils fassent à votre requête, poursuite et diligence, ou de nos Procureurs, lire, publier et registrer es registres des leurs juridictionés, pouvoirs et détroits, cessant, en tant qu'à eux appartiendra, tous troubles et empêchemens à ce contraires: Car tel est notre plaisir. *DONNE* à Fontainebleau, le huitième jour de Novembre de l'an de grace mil six cens trois, et de notre règne le quinzième. *Signé* HENRY. *Et plus bas*, Par le Roi, POTIER. Et scellé sur simple queue de cire jaunie.

COMMISSIO *pro* TOBACCO.

[Rymer's Fœd. tom XVI. page 601. A. D. 1604.]

JAMES, by the Grace of God, &c. to our right Trustie and right Welbeloved Cousen and Counfellow, *Thomas Earle of Dorset* our High Treasourer of Englande, Greetinge. Whereas *Tobacco*, being a Drugge of late yeres found out, and by Merchants, as well Denizens as Strangers, brought from forreign Partes in small quantitie into this Realm of England and other our Dominions, was used and taken by the better sort both then and nowe onelie as Phisicke to preserve Healthe, and is nowe at this day, through evel Custome and the Tolleration thereof, excessivelie taken by a Number of ryotous and disordered Persons of meane and base condition, whoe, contrarie to the use which persons of good Callinge and Qualitie make thereof, doe spend most of there tyme in that idle Uanitie, to the evill example and corrupting of others, and also do consume that Wages whiche manye of them gett by their Labour, and wherewith there Families should be releived, not caring at what Price they buye that Drugge, but rather devisinge how to add to it other Mixture, thereby to make it the more delightful to their taste, though so much the more costly to there purse, by which great and immoderate takinge of *Tobacco* the Health of a great Number of our People is impayred, and their Bodies weakened and made unfit for Labor, the Estates of many mean Persons soe decayed and consumed as they are thereby dryven to unthriftie shifts onelie to maynteyne their gluttonous Exercise thereof, besides that also a great Part of the Treasure of our Land is spent and exhausted by this onely Drugge so licenciously abused by the meaner Sorte, all which enormous inconveniencies ensuinge thereuppon We doe well perceave to proceed principally from the great quantitie of *Tobacco* daily brought into this our Realm of England and Domynions of Wales from the Parts beyond the Seas by Merchauntes and others, whiche Excesse We conceive might in great Part be restrayned by some good Imposition to be laid upon it, whereby it is likelie that a lesse quantitie of *Tobacco* will hereafter be broughte into this our Realm of England, Dominion of Wales and Town of Berwick then in former tymes, and yet sufficient Store to serve for their necessarie use who are of the better Sort, and have and will use the same with Moderation to preserve their Healthe; We do therefore will and command you our Treasurer of Englande, and herebye also warrant and authorise you to geve order to all Customers Comptrollers Searchers Surveyors, and all other Officers of our Portes, that, from and after the fixe and twentieth Day of October next comynge they shall demaunde and take to our use of all merchauntes, as well Englishe as Strangers, and of all others whoe shall bringe in anye *Tobacco* into this Realme, within anye

Porte Haven or Creeke belonging to any their severall Charges, the Somme of *Six Shillings and eighte Pence* upon everye Pound Waight thereof, over and above the Custome of *Two Pence* upon the Pound Waighte usuallie payde heretofore ; And for the better Execution hereof, bothe in the Reformation of the faide Abuses, and for the avoydinge of all Fraude and Deceipte concerninge the Paymente of the faide Imposition and Custome, Our Will and Pleasure is that you shall in our Name straightlye charge and Commaunde all Collectors, Customers Comptrollers, Surveyors, and other Officers whatsoever to whome the same maye belonge, that they suffer noe Entries to be made of anye *Tobacco* at anye Tyme hereafter to be broughte into anye Porte Haven or Creeke within this our Realme of Englande, the Dominion of Wales, and Towne of Barwicke, or anye Parte of the same, by any Englishe or Stranger, or anye other Person whatsoever before the faide Custome and Imposition before specified be firste satisfied and payde, or Composition made for the same with oure faide Customers, Collectors or other Officers to whome the same appertayneth, upon Payne that if anye Merchaunte Englishe or Straunger, or other whatsoever, shall presume to bringe in anye of the faide *Tobacco*, before such paymente and satisfacione firste made, That then he shall not onelie forfeit the faide *Tobacco* but alsoe shall undergoe such further Penalties and corporall Punishment as the qualitie of suche foe highe a Contempte against our Royall and expresse Commaundment in this mannere pulished shall deserve.

Wytnes our self at *Westmynster* the seaventeenth Day of October.

PER IPSUM REGEM.

The FIRST CHARTER of VIRGINIA.

[Stith's Hist. of Virginia. App. p. 1. April 10, 1606.]

JAMES, by the Grace of God, King of *England, Scotland, France and Ireland*, Defender of the Faith, &c. WHEREAS our loving and well-disposed Subjects, Sir *Thomas Gates*, and Sir *George Somers*, Knights, *Richard Hackluit*, Clerk, Prebendary of *Westminster*, and *Edward-Maria Wingfield*, *Thomas Hanham*, and *Ralegh Gilbert*, Esqrs. *William Parker*, and *George Popham*, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a colony of sundry of our People into that part of *America* commonly called *VIRGINIA*, and other parts and Territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or People, to
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tuate, lying, and being all along the Sea Coasts, between four and thirty Degrees of *Northerly* Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coast thereof;

And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; the one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of *London* and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, alongst the Coasts of *Virginia*, and the Coasts of *America* aforesaid: And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of *Bristol* and *Exeter*, and of our Town of *Plimouth*, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coasts of *Virginia* and *America*, as that Coast lyeth:

We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of *Christian* Religion to such People, as yet live in Darknes and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those parts, to human Civility, and to a settled and quiet Government: DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

And do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, Adventurers of and for our City of *London*, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the *first Colony*; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of *Virginia* or *America*, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of *English* Statute Measure, all along the said Coast of *Virginia* and *America*, towards the *West* and *Southwest*, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands,

Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like *English* Miles, all alongst the said Coasts of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like *English* Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, GRANT and agree, that the said *Thomas Hanbham*, and *Ralegh Gilbert*, *William Parker*, and *George Popham*, and all others of the Town of *Plimouth* in the County of *Devon*, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called the *second Colony*; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of *Virginia* and *America*, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the first Seat of their Plantation and Habitation by the Space of fifty like *English* Miles, as is aforesaid, all alongst the said Coasts of *Virginia* and *America*, towards the *West* and *Southwest*, or towards the *South*, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all alongst the said Coast of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like *English* Miles; And shall and may inhabit and remain there;

there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without expresse Licence of the Council of that Colony, in Writing thereunto first had and obtained.

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like *English* Miles of the other of them, that first began to make their Plantation, as aforesaid.

And we do also ordain, establish, and agree, for Us, our Heirs, and Successors, that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of *England*; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same Instructions; And shall have a several Seal, for all Matters that shall pass or concern the same several Councils; Each of which Seals, shall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the said first Colony shall have engraven round about, on the one Side, these Words; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; on the other Side this Inscription round about; *Pro Concilio primæ Coloniae Virginiae*. And the Seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; and on the other Side; *Pro Concilio secundæ Coloniae Virginiae*:

And that also there shall be a Council established here in *England*, which shall, in like Manner, consist of thirteen Persons, to be, for that Purpose, appointed by Us, our Heirs and Successors, which shall be called our *Council of Virginia*; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precincts of four and thirty and five and forty Degrees, abovementioned; Which Council shall, in like manner, have a Seal, for Matters concerning the Council or Colonies, with the like Arms and Portraiture, as aforesaid, with this Inscription, engraven round about on the one Side; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; and round about on the other Side, *Pro Concilio suo Virginiae*.

And moreover, we do GRANT and agree, for Us, our Heirs and Successors; that

that the said several Councils of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said main Lands on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same:

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the more Ease of Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham* and to every of them, and to the said several Companies, Plantations, and Colonies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations, and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them or any of them, in the said Voyages and Plantations; With sufficient Shipping, and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defence there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

MOREOVER, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT Licence unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person and Persons, as without the especial Licence of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations:

Giving

Giving and granting, by these Presents, unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, and their Associates of the said first Colony, and unto the said *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and their Associates of the said second Colony, and to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and surprisè, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods, and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing, so by them trafficked, bought, of sold; And being Strangers, and not Subjects under our Obedience, until they shall pay five upon every Hundred, of such Wares and Merchandises, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us, our Heires, and Successors, by such Officers and Ministers, as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

And we do further, by these Presents, for Us, our Heirs and Successors, GIVE AND GRANT unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, and to their Associates of the said first Colony and Plantation, and to the said *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and their Associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers, and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of *England* and *Ireland*, and all other our Dominions, from time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better Relief of the said several Colonies and Plantations, without any Customs, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or paid for the same.

Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their Children,

dren, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of *England*, or any other of our said Dominions.

Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall traffick to the said Colonies and Plantations, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandises, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any of the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other foreign Country, with a Purpose there to sell or dispose of the same, without the Licence of Us, our Heirs, and Successors, in that Behalf first had and obtained; That then, all the Goods and Chattles of such Person or Persons, so offending and transporting, together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, shall, at any Time or Times hereafter, rob or spoil, by Sea or Land, or do any Act of unjust and unlawful Hostility to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amity with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of *England*, commodious for that purpose, That the said Person or Persons, having committed any such robbery, or Spoil, shall, within the term to be limited by such Proclamations, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others so complaining, may hold themselves fully satisfied and contented; And, that if the said Person or Persons, having committed such Robbery or Spoil, shall not make, or cause to be made Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes, and others to pursue
with

with hostility the said offenders, and every of them, and their and every of their Procurers, Aiders, abettors, and comforters, in that behalf.

And finally, we do for Us, our Heirs, and Successors, GRANT and agree, to and with the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, and all others of the said first colony, that We, our Heirs and Successors, upon Petition in that Behalf to be made, shall, by Letters Patent under the Great Seal of *England*, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most part of them, shall, for that Purpose, nominate and assign all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our heirs and Successors, as of our Manor of *East-Greenwich*, in the County of *Kent*, in free and common Soccage only, and not in Capite :

And do in like Manner, Grant and Agree, for Us, our Heirs, and Successors, to and with the said *Thomas Hanbam*, *Ralegh Gilbert*, *William Parker*, and *George Popbam*, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-Patent, under the Great Seal of *England*, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most Part of them, shall for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our Heires, and Successors, as of our Manor of *East-Greenwich*, in the County of *Kent*, in free and common Soccage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters-patent, shall be sufficient Assurance from the said Patentees, so distributed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their Plantations in either of the said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lye or be ; Although express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir *Thomas Gates*, Knt. Sir *George Somers*, Knt. *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanbam*, *Ralegh Gilbert*, *William Parker*, and *George Popbam*, or any of them, heretofore made, in these Presents, is not made ; Or any Statute, Act, Ordinance, or Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter whatsoever, in any wise notwithstanding. IN WITNESS whereof, we have caused these our Letters to be made Patents ; Witnesse Ourself at *Westminster*, the tenth Day of *April*,

in the fourth Year of our Reign of *England, France, and Ireland*, and of *Scotland* the nine and thirtieth.

Lukin

Per breve de privato Sigillo.

The SECOND CHARTER of VIRGINIA.

[Stith's Hist. of Virginia. App. p. 7. May 23, 1609.]

JAMES, by the Grace of God, King of *England, Scotland, France, and Ireland*; Defender of the Faith, &c. To all, to whom these Presents shall come, Greeting. WHEREAS, at the humble Suit and Request of fundry our loving and well disposed Subjects, intending to deduce a Colony, and to make Habitation and Plantation of fundry our People, in that Part of *America*, commonly called *VIRGINIA*, and other Parts and Territories in *America*, either appertaining unto Us, or which are not actually possessed of any *Christian* Prince or People, within certain Bounds and Regions, We have formerly, by our Letters-patents, bearing Date the tenth Day of *April*, in the fourth Year of our Reign of *England, France, and Ireland*, and of *Scotland* the nine and thirtieth, GRANTED to Sir *Thomas Gates*, Sir *George Somers*, and others, for the more speedy Accomplishment of the said Plantation and Habitation, that they should divide themselves into two Colonies (the one consisting of divers Knights, Gentlemen, Merchants, and others, of our City of *London*, called the FIRST COLONY; And the other consisting of divers Knights, Gentlemen, and others, of our Cities of *Bristol, Exeter*, and Town of *Plimouth*, and other Places, called the SECOND COLONY.) And have yielded and granted many and fundry Privileges and Liberties to each Colony, for their quiet Settling and good Government therein, as by the said Letters-patents more at large appeareth.

Now, forasmuch as divers and fundry of our loving Subjects, as well Adventurers, as Planters, of the said first Colony, which have already engaged themselves in furthering the Business of the said Colony and Plantation, and do further intend, by the Assistance of Almighty God, to prosecute the same to a happy End, have of late been humble Suitors unto Us, that (in Respect of their great Charges and the Adventure of many of their Lives, which they have hazarded in the said Discovery and Plantation of the said Country) We would be pleased to grant them a further Enlargement and Explanation of the said Grant, Privileges, and Liberties, and that such

such Counsellors, and other Officers, may be appointed amongst them, to manage and direct their Affairs, as are willing and ready to adventure with them, as also whose Dwellings are not so far remote from the City of *London*, but they may, at convenient Times, be ready at Hand, to give their Advice and Assistance, upon all Occasions requisite.

We greatly affecting the effectual Prosecution and happy Success of the said Plantation, and commending their good desires therein, for their further Encouragement in accomplishing so excellent a Work, much pleasing to God, and profitable to our Kingdom, do of our especial Grace, and certain Knowledge, and mere Motion, for Us, our Heirs, and Successors, GIVE, GRANT, and CONFIRM, to our trusty and well beloved Subjects, Robert, Earl of Salisbury, Thomas, Earl of Suffolk, Henry, Earl of Southampton, William, Earl of Pembroke, Henry, Earl of Lincoln, Earl of Dorset, Thomas, Earl of Exeter, Philip, Earl of Montgomery, Robert, Lord Viscount Lisle, Theophilus, Lord Howard of Walden, James Montague, Lord Bishop of Bath and Wells, Edward, Lord Zouche, Thomas, Lord Lawarr, William, Lord Mounteagle, Ralph, Lord Ewre, Edmond, Lord Sheffield, Grey, Lord Chandois, Lord Compton, John, Lord Petre, John, Lord Stanhope, George, Lord Carew, Sir Humphry Weld, Lord Mayor of London, George Piercy, Esq. Sir Edward Cecil, Knt. Sir George Wharton, Knt. Francis West, Esq. Sir William Wade, Knt. Sir Henry Nevil, Knt. Sir Thomas Smith, Knt. Sir Oliver Cromwell, Knt. Sir Peter Manwood, Knt. Sir Drue Drury, Knt. Sir Peter Scott, Knt. Sir Thomas Challoner, Knt. Sir Robert Drury, Knt. Sir Anthony Cope, Knt. Sir Horatio Vere, Knt. Sir Edward Conway, Knt. Sir William Brown, Knt. Sir Maurice Berkeley, Knt. Sir Robert Maunsel, Knt. Sir Amias Preston, Knt. Sir Thomas Gates, Knt. Sir Anthony Ashley, Knt. Sir Michael Sandys, Knt. Sir Henry Carey, Knt. Sir Stephen Soame, Knt. Sir Callisthenes Brooke, Knt. Sir Edward Michelborn, Knt. Sir John Ratcliffe, Knt. Sir Charles Wilmot, Knt. Sir George Moore, Knt. Sir Hugh Wirral, Knt. Sir Tomas Dennis, Knt. Sir John Holles, Knt. Sir William Godolphin, Knt. Sir Thomas Monson, Knt. Sir Thomas Ridgwine, Knt. Sir John Brooke, Knt. Sir Robert Killigrew, Knt. Sir Henry Peyton, Knt. Sir Richard Williamson, Knt. Sir Ferdinando Weyman, Knt. Sir William St. John, Knt. Sir Thomas Holcroft, Knt. Sir John Mallory, Knt. Sir Roger Ashton, Knt. Sir Walter Cope, Knt. Sir Richard Wigmore, Knt. Sir William Cocke, Knt. Sir Herbert Crofte, Knt. Sir Henry Fanshaw, Knt. Sir John Smith, Knt. Sir Francis Wolley, Knt. Sir Edward Waterhouse, Knt. Sir Henry Seckford, Knt. Sir Edwin Sandys, Knt. Sir Thomas Waynam, Knt. Sir John Trevor, Knt. Sir Warwick Heele, Knt. Sir Robert Wroth, Knt. Sir John Townshend, Knt. Sir Christopher Perkins, Knt. Sir Daniel Dun, Knt. Sir Henry Hobert, Knt. Sir Francis Bacon, Knt. Sir Henry Montague, Knt. Sir George Coppin, Knt. Sir Samuel Sandys, Knt. Sir Thomas Roe, Knt. Sir

George Somers, Knt. Sir Thomas Freake, Knt. Sir Thomas Harwell, Knt. Sir Charles Kelke, Knt. Sir Baptist Hicks, Knt. Sir John Watts, Knt. Sir Robert Carey, Knt. Sir William Romney, Knt. Sir Thomas Middleton, Knt. Sir Hattin Cheeke, Knt. Sir John Ogle, Knt. Sir Cavallero Meycott, Knt. Sir Stephen Riddlefon, Knt. Sir Thomas Bludder, Knt. Sir Anthony Aucher, Knt. Sir Robert Johnson, Knt. Sir Thomas Panton, Knt. Sir Charles Morgan, Knt. Sir Stephen Pole, Knt. Sir John Burlacie, Knt. Sir Christopher Cleave, Knt. Sir George Hayward, Knt. Sir Thomas Davis, Knt. Sir Thomas Sutton, Knt. Sir Anthony Forrest, Knt. Sir Robert Payne, Knt. Sir John Digby, Knt. Sir Dudley Digges, Knt. Sir Fowland Cotton, Knt. Dr. Matthew Sutcliffe, Dr. Meadows, Dr. Turner, Dr. Poe, Captain Pagnam, Captain Jeffrey Holcrofte, Captain Romney, Captain Henry Spry, Captain Shelton, Captain Sparks, Captain Thomas Wyat, Captain Brinsley, Captain William Courtney, Captain Herbert, Captain Clarke, Captain Dewhurst, Captain John Blundell, Captain Fryer, Captain Lewis Orwell, Captain Edward Lloyd, Captain Slingsby, Captain Hawley, Captain Orme, Captain Woodhouse, Captain Mafon, Captain Thomas Holcroft, Captain John Coke, Captain Holles, Captain William Proud, Captain Henry Woodhouse, Captain Richard Lindefey, Captain Dexter, Captain William Winter, Captain Pearse, Captain John Bingham, Captain Burray, Captain Thomas Conway, Captain Rockwood, Captain William Lovelace, Captain John Ashley, Captain Thomas Wynne, Captain Thomas Mewtis, Captain Edward Harwood, Captain Michael Everard, Captain Comock, Captain Mills, Captain Pigot, Captain Edward-Maria Wingfield, Captain Christopher Newport, Captain John Sicklemore, alias Ratcliffe, Captain John Smith, Captain John Martin, Captain Peter Wynne, Captain Waldo, Captain Thomas Wood, Captain Thomas Button, George Bolls, Esq. Sheriff of *London*, William Crashaw, Clerk, Batchelor of Divinity, William Seabright, Esq. Christopher Brooke, Esq. John Bingley, Esq. Thomas Watson, Esq. Richard Percival, Esq. John Moore, Esq. Hugh Broker, Esq. David Woodhouse, Esq. Anthony Aucher, Esq. Robert Boyer, Esq. Ralph Ewens, Esq. Zachary Jones, Esq. George Calvert, Esq. William Dobson, Esq. Henry Reynolds, Esq. Thomas Walker, Esq. Anthony Barnars, Esq. Thomas Sandys, Esq. Henry Sandys, Esq. Richard Sandys, Esq. Son of Sir Edwin Sandys, William Oxenbridge, Esq. John Moore, Esq. Thomas Wilfon, Esq. John Bullock, Esq. John Waller, Esq. Thomas Webb, Jehu Robinfon, William Brewster, Robert Evelyn, Henry Danby, Richard Hackluit, Minister, John Eldrid, Merchant, William Ruffel, Merchant, John Merrick, Merchant, Richard Banister, Merchant, Charles Anthony, Goldsmith, John Banks, William Evans, Richard Humble, Richard Chamberlayne, Merchant, Thomas Barber, Merchant, Richard Pomet Merchant, John Fletcher, Merchant, Thomas Nicholls, Merchant, John Stoke, Merchant, Gabriel Archer, Francis

Francis Covel, William Bonham, Edward Harrifon, John Wolfstenholme, Nicholas Salter, Hugh Evans, William Barnes, Otho Mawdet, Richard Staper, Merchant, John Elkin, Merchant, William Coyse, Thomas Perkin, Cooper, Humphrey James, Cooper, Henry Jackson, Robert Singleton, Christopher Nicholls, John Harper, Abraham Chamberlayne, Thomas Shipton, Thomas Carpenter, Anthony Crew, George Holman, Robert Hill, Cleophas Smith, Ralph Harrifon, John Farmer, James Brearly, William Crosby, Richard Cox, John Gearing, Richard Strongarm, Ironmongers, Thomas Langton, Griffith Hinton, Richard Ironside, Richard Dean, Richard Turner, William Lawfon, Mercer, James Chatfield, Edward Allen Tedder, Robert Hildebrand Sprinfon, Arthur Moufe, John Gardiner, James Ruffel, Richard Cafwell, Richard Evans, John Hawkins, Richard Keril, Richard Brooke, Matthew Screvener, Gentleman, William Stallenge Gentleman, Arthur Venn, Gentleman, Sandys Webbe, Gentleman, Michael Phetiplace, Gentleman, William Phetiplace, Gentleman, Ambrose Prusey, Gentleman, John Taverner, Gentleman, George Pretty, Gentleman, Peter Latham, Gentleman, Thomas Montford, Gentleman, William Centrel, Gentleman, Richard Wiffin, Gentleman, Ralph Moreton, Gentleman, John Cornelius, Martin Freeman, Ralph Freeman, Andrew Moore, Thomas White, Edward Perkin, Robert Ossley, Thomas Whitley, George Pit, Robert Parkhurst, Thomas Morris, Peter Harloe, Jeffry Duppa, John Gilbert, William Hancock, Matthew Brown, Francis Tyrrel, Randolph Carter, Othowell Smith, Thomas Hammond, Martin Bond, Haberdasher, John Moulfoe, Robert Johnson, William Young, John Woodal, William Felgate, Humfrey Westwood, Richard Champion, Henry Robinson, Francis Mapes, William Sambach, Raleigh Crashaw, Daniel Tucker, Thomas Grave, Hugh Willeston, Thomas Culpepper, of *Wigfel*, Esq. John Culpepper, Gentleman, Henry Lee, Josias Kerton, Gentleman, John Pory, Gentleman, Henry Collins, George Burton, William Atkinson, Thomas Forest, John Ruffel, John Holt, Harman Harrifon, Gabriel Beedel, John Beedel, Henry Dawkes, George Scot, Edward Fleetwood, Gentleman, Richard Rogers, Gentleman, Arthur Robinson, Robert Robinson, John Huntley, John Gray, William Payne, William Field, William Wattey, William Webster, John Dingley, Thomas Draper, Richard Glanvil, Arnold Hulls, Henry Roe, William More, Nicholas Gryce, James Monger, Nicholas Andrews, Jeremy Haydon, Ironmonger, Philip Durette, John Quarles, John West, Matthew Springham, John Johnson, Christopher Hore, Thomas Snead, George Berkeley, Arthur Pet, Thomas Careles, William Berkley, Thomas Johnson, Alexander Bents, Captain William King, George Sandys, Gentleman, James White, Gentleman, Edmond Wynne, Charles Towlar, Richard Reynold, Edward Webb, Richard Maplesden, Thomas Lever, David Bourne, Thomas Wood, Ralph Hamer, Edward Barnes, Mercer, John Wright, Mercer, Robert Middleton, Edward Littlefield, Katharine West, Thomas Web,
Ralph

Ralph King, Robert Coppin, James Askew, Christopher Holt, William Bardwell, Alexander Chiles, Lewis Tate, Edward Ditchfield, James Swifte, Richard Widdowes, goldsmith, Edmond Brudenell, Edward Burwell, John Hansford, Edward Wooller, William Palmer, haberdasher, John Badger, John Hodgson, Peter Mounfel, John Carril, John Bushride, William Dun, Thomas Johnson, Nicholas Benson, Thomas Shipton, Nathaniel Wade, Randal Wetwood, Matthew Dequefter, Charles Hawkins, Hugh Hammersley, Abraham Cartwright, George Bennet, William Cater, Richard Goddard, Henry Cromwell, Phineas Pet, Robert Cooper, John Cooper, Henry Newce, Edward Wilkes, Robert Bateman, Nicholas Farrar, John Hewhouse, John Cason, Thomas Harris, Gentleman, George Etheridge, Gentleman, Thomas Mayle, Gentleman, Richard Stafford, Thomas , Richard Cooper, John Westrow, Edward Welch, Thomas Britain, Thomas Knowles, Octavian Thorne, Edmond Smith, John March, Edward Carew, Thomas Pleydall, Richard Let, Miles Palmer, Henry Price, John Joshua, Gentleman, William Clauday, Jeremy Pearfy, John Bree, Gentleman, William Hampson, Christopher Pickford, Thomas Hunt, Thomas Truiston, Christopher Salmon, John Howard, clerk, Richard Partridge, Allen Caffin, Felix Wilson, Thomas Bathurst, George Wilmer, Andrew Wilmer, Maurice Lewellin, Thomas Godwin, Peter Burgoyne, Thomas Burgoyne, Robert Burgoyne, Robert Smith, Merchant Taylor, Edward Cage, grocer, Thomas Cannon, Gentleman, William Welby, stationer, Clement Wilmer, Gentleman, John Clapham, Gentleman, Giles Francis, Gentleman, George Walker, fadler, John Swinhow, stationer, Edward Bishop, stationer, Leonard White, Gentleman, Christopher Baron, Peter Benson, Richard Smith, George Proctor, minister, Millicent Ramsdent, widow, Joseph Soane, Thomas Hinchshaw, John Baker, Robert Thornton, John Davis, Edward Facet, George Newce, Gentleman, John Robinson, Captain Thomas Wood, William Brown, shoemaker, Robert Barker, shoemaker, Robert Pennington, Francis Burley, minister, William Quick, grocer, Edward Lewis, grocer, Laurence Campe, draper, Aden Perkins, grocer, Richard Shepherd, preacher, William Sherley, haberdasher, William Taylor, haberdasher, Edwin Lukin, Gentleman, John Franklyn, haberdasher, John Southwick, Peter Peate, George Johan, ironmonger, George Yeardeley, Gentleman, Henry Shelly, John Prat, Thomas Church, draper, William Powel, Gentleman, Richard Frith, Gentleman, Thomas Wheeler, draper, Francis Hallerig, Gentleman, Hugh Shipley, Gentleman, John Andrews, the Elder Doctor of *Cambridge*, Francis Whistler, Gentleman, John Vaffal, Gentleman, Richard Howle, Edward Berkeley, Gentleman, Richard Keneidburg, Gentleman, Nicholas Exton, draper, William Bennet, fishmonger, James Haywood, Merchant, Nicholas Isaac, Merchant, William Gibbs, Merchant, Bishop, Bernard Mitchel, Isaac Mitchel, John Streate, Edward Gall, John Martin, Gentleman, Thomas Fox, Luke Lodge, John Woodliffe, Gentleman, Richard Webb,

Webb, Vincent Low, Samuel Burnham, Edmund Pears, haberdasher, John Googe, John St. John, Edward Vaughan, William Dunn, Thomas Alcocke, John Andrews, the younger, of *Cambridge*, Samuel Smith, Thomas Gerrard, Thomas Whittingham, William Canning, Paul Canning, George Chandler, Henry Vincent, Thomas Ketley, James Skelton, James Mountaine, George Webb, gentleman, Joseph Newbridge, smith, Josiah Mand, Captain Ralph Hamer, the younger, Edward Brewster, the son of William Brewster, Leonard Harwood, mercer, Philip Druerdent, William Carpenter, Tristian Hill, Robert Cock, grocer, Laurence Grecie, grocer, Samuel Winch, grocer, Humphry Stile, grocer, Avern Dransfield, grocer, Edward Hodges, grocer, Edward Beale, grocer, Thomas Culler, grocer, Ralph Busby, grocer, John Whittingham, grocer, John Hide, grocer, Matthew Shepherd, grocer, Thomas Allen, grocer, Richard Hooker, grocer, Lawrence Munks, grocer, John Tanner, grocer, Peter Gate, grocer, John Blunt, grocer, Robert Phipps, grocer, Robert Berrisford, grocer, Thomas Wells, grocer, John Ellis, grocer, Henry Colthurst, grocer, John Cavady, grocer, Thomas Jennings, grocer, Edmond Pafchall, grocer, Timothy Bathurst, grocer, Giles Parflow, grocer, Robert Milmay, grocer, Richard Johnson, grocer, William Johnson, vintner, Ezekiel Smith, Richard Martin, William Sharpe, Robert Rich, William Stannard, innholder, John Stocken, William Strachey, gentleman, George Farmer, gentleman, Thomas Gypes, cloth-worker, Abraham Davies, gentleman, Thomas Brocket, gentleman, George Bache, fishmonger, John Dike, fishmonger, Henry Spranger, Richard Farrington, Christopher Vertue, vintner, Thomas Bayley, vintner, George Robins, vintner, Tobias Hinson, grocer, Vrian Spencer, Clement Chickeley, John Scarpe, gentleman, James Campbell, ironmonger, Christian Clitheroe, ironmonger, Philip Jacobson, Peter Jacobson, of Antwerp, William Berkeley, Miles Banks, cutler, Peter Higgons, grocer, Henry John, gentleman, John Stokley, merchant taylor, the Company of Mercers, the Company of Grocers, the Company of Drapers, the Company of Fishmongers, the Company of Goldsmiths, the Company of Skinners, the Company of Merchant-Tailors, the Company of Haberdashers, the Company of Salters, the Company of Ironmongers, the Company of Vintners, the Company of Clothworkers, the Company of Dyers, the Company of Brewers, the Company of Leatherfellers, the Company of Pewterers, the Company of Cutlers, the Company of Whitebakers, the Company of Wax-Chandlers, the Company of Tallow-Chandlers, the Company of Armourers, the Company of Girdlers, the Company of Butchers, the Company of Sadlers, the Company of Carpenters, the Company of Cordwaynes, the Company of Barber-Chirurgeons, the Company of Paintflainers, the Company of Curriers, the Company of Masons, the Company of Plumbers, the Company of Innholders, the Company of Founders, the Company of Poulterers, the Company of Cooks, the Company of Coopers, the Company of Tylers and Bricklayers, the Company of Boyers, the Company

Company of Fletchers, the Company of Blacksmiths, the Company of Joiners, the Company of Weavers, the Company of Woolmen, the Company of Woodmongers, the Company of Scriveners, the Company of Fruiterers, the Company of Plasterers, the Company of Brownbakers, the Company of Stationers, the Company of Imbroiderers, the Company of Upholsterers, the Company of Musicians, the Company of Turners, the Company of Gardners, the Company of Basketmakers, the Company of Glaziers, John Levet, merchant, Thomas Nornicot, clothworker, Richard Venn, haberdasher, Thomas Scott, gentleman, Thomas Juxon, merchant-taylor, George Hankinson, Thomas Seyer, gentlemen, Matthew Cooper, George Butler, gentleman, Thomas Lawfon, gentleman, Edward Smith, haberdasher, Stephen Sparrow, John Jones, merchant, Reynolds, Brewer, Thomas Plummer, merchant, Jame Duppa, brewer, Rowland Coitmore, William Southerne, George Whitmore, haberdasher, Anthony Gofnold, the younger, John Allen, fishmonger, Simon Yeomans, fishmonger, Lancelot Davis, gentleman, John Hopkins, alderman of *Bristol*, John Kettleby, gentleman, Richard Clene, goldsmith, George Hooker, gentleman, Robert Chening, yeoman, and to such and so many as they do, or shall hereafter admit to be joined with them, in the form hereafter in these presents expressed, whether they go in their Persons to be Planters there in the said Plantation, or whether they go not, but adventure their monies, goods, or Chattles, that they shall be one Body or Commonalty perpetual, and shall have perpetual Succession and one common Seal to serve for the said Body or Commonalty, and that they and their Successors shall be known, called, and incorporated by the Name of *The Treasurer and Company of Adventurers and Planters of the City of London, for the first Colony in Virginia*. And that they and their Successors shall be from henceforth forever enabled to take, acquire, and purchase by the Name aforesaid (Licence for the same from Us, our Heirs, and Successors, first had and obtained) any Manner of Lands, Tenements, and Hereditaments, Goods and Chattles, within our Realm of England, and Dominion of Wales. And that they, and their Successors, shall likewise be enabled by the Name aforesaid, to plead and be impleaded, before any of our Judges, or Justices in any of our Courts, and in any Actions or Suits whatsoever. And we do also of our special Grace, certain Knowledge, and mere Motion, give, grant and confirm, unto the said Treasurer and Company, and their Successors, under the Reservations, Limitations, and Declarations hereafter expressed, all those Lands, Countries, and Territories, situate, lying, and being in that Part of *America*, called *Virginia*, from the Point of Land, called Cape or *Point Comfort*, all along the Sea Coast to the Northward, two hundred miles, and from the said Point of *Cape Comfort*, all along the Sea Coast to the Southward, two hundred Miles, and all that Space and Circuit of Land, lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea, West and Northwest ;

Northwest; And also all the Islands lying within one hundred Miles along the Coast of both Seas of the Precinct aforesaid; Together with all the Soils, Grounds, Havens, and Ports, Mines, as well Royal Mines of Gold and Silver, as other Minerals, Pearls, and precious Stones, Quarries, Woods, Rivers, Waters, Fishings, Commodities, Jurisdictions, Royalties, Privileges, Franchises, and Preeminences within the said Territories, and the Precincts thereof, whatsoever, and thereto, and thereabouts both by Sea and Land, being, or in any sort belonging or appertaining, and which We, by our Letters Patents, may or can grant, in as ample Manner and Sort, as We, or any our noble Progenitors, have heretofore granted to any Company, Body Politic or Corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Discoveries, Plantations, or Traffic, of, in, or into any foreign Parts whatsoever, and in as large and ample Manner, as if the same were herein particularly mentioned and expressed; To HAVE AND TO HOLD, possess and enjoy, all and singular the said Lands, Countries and Territories, with all and singular other the Premises heretofore by these Presents granted, or mentioned to be granted to them, the said Treasurer and Company, their Successors and Assigns forever; To the sole and proper Use of them, the said Treasurer and Company, their Successors and Assigns forever; To BE HOLDEN of Us, our Heirs and Successors, as of our Manor of *East-Greenwich*, in free and common Soccage, and not in Capite; YIELDING and PAYING therefore, to Us, our Heirs and Successors, the fifth Part only of all Ore of Gold and Silver, that from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, for all Manner of Services. AND nevertheless, our Will and Pleasure is, and we do by these Presents, charge and command, warrant and authorise, that the said Treasurer, and Company, or their Successors, or the major Part of them which shall be present and assembled for that Purpose, shall from Time to Time, under their common Seal, DISTRIBUTE, convey, assign, and set over such particular Portions of Lands, Tenements, and Hereditaments, by these Presents formerly granted unto such our loving Subjects, naturally born, or Denizens, or others, as well Adventurers as Planters, as by the said Company (upon a Commission of Survey and Distribution, executed and returned for that Purpose) shall be nominated, appointed, and allowed; Wherein our Will and Pleasure is, that Respect be had as well of the Proportion of the Adventurer, as to the special Service, Hazard, Exploit, or Merit of any Person so to be recompenced, advanced, or rewarded. AND forasmuch as the good and prosperous Success of the said Plantation, cannot but chiefly depend next under the Blessing of God, and the Support of our Royal Authority, upon the provident and good Direction of the whole Enterprise, by a careful and understanding Council, and that it is not convenient, that all the Adventurers shall be so often drawn to meet and assemble, as shall be requisite for them to have Meetings and Conference about the Affairs thereof; Therefore we DO ORDAIN, establish and confirm, that there shall be perpetually

ally one COUNCIL here resident, according to the Tenour of our former Letters-Patents; Which Council shall have a Seal for the better Government and Administration of the said Plantation, besides the legal Seal of the Company or Corporation, as in our former Letters-Patents is also expressed. AND further, We ESTABLISH and ORDAIN, That Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Lincoln, Thomas, Earl of Exeter, Robert, Lord Viscount Lisle, Lord Theophilus Howard, James, Lord Bishop of Bath and Wells, Lord Edward Zouche, Thomas Lord Lawarr, William, Lord Mounteagle, Edmund, Lord Sheffield, Gray, Lord Chandois, John, Lord Stanhope, George, Lord Carew, Sir Humfrey Weld, Lord Mayor of London, Sir Edward Cecil, Sir William Wade, Sir Henry Nevil, Sir Thomas Smith, Sir Oliver Cromwell, Sir Peter Manwood, Sir Thomas Challoner, Sir Henry Herbert, Sir Francis Bacon, Sir George Coppin, Sir John Scot, Sir Henry Carey, Sir Robert Drury, Sir Horatio Vere, Sir Edward Conway, Sir Maurice Berkeley, Sir Thomas Gates, Sir Michael Sandys, Sir Robert Mansell, Sir John Trevor, Sir Amias Preston, Sir William Godolphin, Sir Walter Cope, Sir Robert Killigrew, Sir Henry Fanshaw, Sir Edwin Sandys, Sir John Watts, Sir Henry Montague, Sir William Romney, Sir Thomas Roe, Sir Baptist Hicks, Sir Richard Williamfon, Sir Stephen Poole, Sir Dudley Digges, Christopher Brooke, Esq. John Eldred, and John Wolstenholme shall be our Council for the said Company of Adventurers and Planters, in Virginia: AND the said Thomas Smith, We DO ORDAIN to be Treasurer of the said Company; which Treasurer shall have Authority to give Order for the Warning of the Council, and summoning the Company to their Courts and Meetings. AND the said Council and Treasurer, or any of them shall be from henceforth nominated, chosen, continued, displaced, changed, altered and supplied, as Death, or other several Occasions shall require, out of the Company of the said Adventurers, by the Voice of the greater part of the said Company and Adventurers, in their Assembly for that Purpose: PROVIDED always, That every Counsellor so newly elected, shall be presented to the Lord Chancellor of *England*, or to the Lord High Treasurer of *England*, or to the Lord Chamberlain of the Household of Us, our Heirs and Successors for the Time being, to take his Oath of a Counsellor to Us, our Heirs and Successors, for the said Company of Adventurers and Colony in *Virginia*. AND we do by these Presents, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, GRANT unto the said Treasurer and Company, and their Successors, that if it happen at any Time or Times, the Treasurer for the Time being to be sick, or to have any such Cause of Absence from the City of *London*, as shall be allowed by the said Council, or the greater part of them assembled, so as he cannot attend the affairs of that Company, in every such Case, it shall and may be lawful for such Treasurer for the Time being, to assign, constitute, and appoint one of the Council, or Company, to be likewise allowed by the Council,

or

or the greater Part of them assembled, to be the Deputy Treasurer of the said Company; Which Deputy shall have Power to do and execute all Things which belong to the said Treasurer, during such Time as such Treasurer shall be either sick, or otherwise absent, upon Cause allowed of by the said Council, or the major Part of them, as aforesaid, so fully and wholly, and in as large and ample Manner and Form, to all Intents and Purposes, as the said Treasurer if he were present himself, might or could do and execute the same.

AND further, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, we do, by these Presents, GIVE and GRANT full Power and Authority to our said Council here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain and confirm, by such Name or Names, Stile or Stiles, as to them shall seem good, And likewise to revoke, discharge, change, and alter, as well all and singular Governors, Officers, and Ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used for the Government of the said Colony and Plantation : AND also to make, ordain, and establish all Manner of Orders, Laws, Directions, Instructions, Forms and Ceremonies of Government and Magistracy, fit and necessary for and concerning the Government of the said Colony and Plantation; And the same, at all Times hereafter, to abrogate, revoke, or change, not only within the Precincts of the said Colony, but also upon the Seas, in going and coming to and from the said Colony, as they in their good Discretion, shall think to be fittest for the Good of the Adventurers and inhabitants there. AND we do also declare, that for divers Reasons and Considerations, Us thereunto especially moving, our Will and Pleasure is, and We do hereby ordain, that immediately from and after such Time as any such Governor or principal Officer, so to be nominated and appointed by our said Council, for the Government of the said Colony as aforesaid, shall arrive in *Virginia*, and give Notice unto the Colony there resident, of our pleasure in this Behalf, the Government Power and Authority of the President and Council heretofore by our former Letters-patents there established, and all Laws and Constitutions by them formerly made shall utterly cease and be determined; And all Officers, Governors, and Ministers formerly constituted and appointed, shall be discharged, any thing in our former Letters-patents concerning the said Plantation contained in any wise to the contrary notwithstanding; Straightly charging and commanding the President and Council now resident in the said Colony upon their Allegiance, after Knowledge given unto them of our Will and Pleasure by these presents signified and declared that they forthwith be obedient to such Governor or Governors as by our said Council here resident shall be named and appointed as aforesaid, and to all Directions, Orders and Commandments which they shall receive from them, as well in the present resigning and giving up of their Authority, Offices, Charge and Places, as in all

other Attendance as shall be by them from time to time required. AND we do further by these presents ORDAIN and establish, that the said Treasurer and Council here resident, and their successors or any four of them being assembled (the Treasurer being one) shall from time to time have full Power and Authority to admit and receive any other Person into their Company, Corporation, and Freedom; And further in a General Assembly of Adventurers, with the consent of the greater part upon good Cause, to disfranchise and put out any Person or Persons out of the said Freedom or Company. AND we do also GRANT and confirm for Us, our Heirs and Successors, that it shall be lawful for the said Treasurer and Company and their Successors by direction of the Governors there, to dig and to search for all manner of Mines of Gold, silver, Copper, Iron, Lead, Tin, and all sorts of Minerals, as well within the precinct aforesaid, as within any part of the main land not formerly granted to any other; And to HAVE and ENJOY the Gold, Silver, Copper, Iron, Lead, and Tin, and all other Minerals to be gotten thereby, to the use and behoof of the said company of Planters and Adventurers; YEILDING thereof, and paying Yearly unto Us, our Heirs, and Successors as aforesaid. AND we do further of our special Grace, certain Knowledge, and mere Motion for Us, our Heires, and Successors, GRANT by these presents, to and with the said Treasurer and Company, and their Successors, that it shall be lawful and free for them and their Assigns, at all and every time and times hereafter, out of our Realm of *England*, and out of all other our Dominions, to take and lead into the said Voyages, and for and towards the said Plantation, and to travel thitherwards and to abide and inhabit there in the said Colony and Plantation, all such and so many of our loving Subjects, or any other Strangers, that will become our loving Subjects, and live under our Obedience, as shall willingly accompany them in the said Voyage and Plantation; With sufficient Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shot, Victuals, and such Merchandises or Wares as are esteemed by the wild People in those Parts, Cloathing, Implements, Furniture, Cattle, Horses, and Mares, and all other things necessary for the said Plantation, and for their Use, and Defence, and Trade with the People there; and passing and returning to and fro; Without yielding or paying Subsidy, Custom, Imposition, or any other Tax or Duty, to Us, our Heirs, or Successors, for the space of seven Years from the Date of these Presents: PROVIDED that none of the said Persons be such as shall be hereafter by special name restrained by Us, our Heirs, and Successors. AND for their further Encouragement, of our special Grace and Favour, we do by these Presents, for Us, our Heires, and Successors, YEILD and GRANT to and with the said Treasurer and Company, and their Successors, and every of them, their Factors and Assigns, that they and every of them shall be free of all Subsidies and Customs in *Virginia*, for the space of one and twenty Years, and from all Taxes and Impositions for ever upon any Goods or Merchandizes at any Time or Times hereafter,

either

either upon Importation thither, or Exportation from thence into our Realm of *England*, or into any other of our Realms or Dominions, by the said Treasurer and Company, and their Successors, and their Deputies, Factors, or Assigns, or any of them: EXCEPT only the five Pounds *per Cent*. due for Custom upon all such Goods and Merchandizes as shall be brought or Imported into our Realm of *England*, or any other of these our Dominions according to the antient Trade of Merchants; WHICH FIVE POUNDS *per Cent* ONLY being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandizes to export and carry out of our said Dominions into foreign Parts without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other our Officers or Deputies: PROVIDED, that the said Goods and Merchandizes be shipped out, within thirteen Months after their first landing within any Part of those Dominions. AND we do GRANT and confirm to the said Treasurer and Company, and their Successors, as also to all and every such Governor, or other Officers, and Ministers, as by our said Council shall be appointed to have Power and Authority of Government and Command in and over the said Colony and Plantation; That they, and every of them, shall and lawfully may from Time to Time and at all Times for ever hereafter, for their several Defence and Safety, encounter, expulse, repel, and resist by Force and Arms, as well by Sea as by Land, and all Ways and Means whatsoever, all and every such Person and Persons whatsoever as (without the special Licence of the said Treasurer and Company and their Successors) shall attempt to inhabit within the said several Precincts and Limits of the said Colony and Plantation; And also all and every such Person and Persons whatsoever, as shall enterprize or attempt at any Time hereafter, Destruction, Invasion, Hurt, Detriment, or Annoyance, to the said Colony and Plantation, as is likewise specified in the said former Grant: AND that it shall be lawful for the said Treasurer and Company, and their Successors, and every of them from Time to Time, and at all Times for ever hereafter, and they shall have full Power and Authority to take and surprize by all Ways and Means whatsoever, all and every Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creek, or Place, within the Limits or Precincts of the said Colony and Plantation * not being allowed by the said Company to be Adventurers or Planters of the said Colony until such Time as they being of any Realms and Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer, or of some other Officer deputed by the said Governor of *Virginia* (over and above such Subsidy or Custom as the said Company is or hereafter shall be to pay)

five

* "It is *and being* in the Original; but the Sense carried me so clearly to it, that I ventured to make this Correction, letting the Reader at the same Time know it." STITH.

five Pounds *per Cent.* upon all Goods and Merchandises so brought in thither, and also five *per Cent.* upon all Goods by them shipped out from thence; And being Strangers and not under our Obedience until they have paid (over and above such Subsidy and Custom, as the said Treasurer and Company, or their Successors, is, or hereafter shall be to pay) ten Pounds *per Cent.* upon all such Goods likewise carried in and out, any Thing in the said former Letters-patents to the contrary notwithstanding; And the same SUMS of MONEY and Benefit, aforesaid, for and during the space of one and twenty Years, shall be wholly employed to the Benefit, Use, and Behoof of the said Colony and Plantation; And after the said one and twenty Years ended, the same shall be taken to the use of Us, our Heirs and Successors, by such Officers and Ministers, as by Us, our Heirs or Successors shall be thereunto assigned and appointed, as is specified in the said former Letters-patents. ALSO we do for Us, our Heirs and Successors, DECLARE by these Presents, that all and every the Persons being our Subjects, which shall go and inhabit within the said Colony and Plantation, and every their Children and Posterity, which shall happen to be born within any of the Limits thereof, shall HAVE and ENJOY all Liberties, Franchizes, and Immunities of Free Denizens and natural Subjects within any of our other Dominions to all Intents and Purposes, as if they had been abiding and born within this our Realm of *England*, or in any other of our Dominions. AND forasmuch as it shall be necessary for all such our loving Subject as shall inhabit within the said Precincts of *Virginia* aforesaid, to determine to live together in the Fear and true Worship of Almighty God, Christian Peace and Civil Quietness each with other, whereby every one may with more Safety, Pleasure and Profit enjoy that whereunto they shall attain with great Pain and Peril; WE for Us, our Heires, and Successors are likewise pleased and contented, and by these Presents do GIVE and GRANT unto the said Treasurer and Company, and their Successors, and to such Governors, Officers, and Ministers, as shall be by our said Council constituted and appointed according to the Natures and Limits of their Offices and Places respectively, that they shall and may from Time to Time, for ever hereafter, within the said Precincts of *Virginia*, or in the way by † Sea thither and from thence, have full and absolute Power and Authority to correct, punish, pardon, govern, and rule all such the Subjects of Us, our Heires, and Successors as shall from Time to Time adventure themselves in any Voyage thither, or that shall at any Time hereafter, inhabit in the Precincts and Territories of the said Colony as aforesaid, according to such Orders, Ordinances, Constitutions, Directions, and Instructions, as by our said Council as aforesaid, shall be established; And in Defect thereof in case of Necessity, according to the good || Discretion of the said Governor and Officers respectively,

pectively, as well in Cafes capital and criminal, as civil, both Marine and other; So always as the faid Statutes, Ordinances, and Proceedings as near as conveniently may be, be agreeable to the Laws, Statutes, Government, and Policy of this our Realm of *England*. AND we do further of our fpecial Grace, certain Knowledge, and mere Motion, GRANT, DECLARE, and ORDAIN, that fuch principal Governor, as from Time to Time fhall duly and lawfully be authorized and appointed in Manner and Form in thefe Prefents heretofore expreffed, fhall have full Power and Authority, to ufe and exercife Martial Law in Cafes of Rebellion or Mutiny, in as large and ample Manner as our Lieutenants in our † Counties within this our Realm of *England* have, or ought to have, by Force of their Commissions of Lieutenancy. AND furthermore, if any Perfon or Perfons, Adventurers or Planters of the faid Colony, or any other at any Time or Times hereafter, fhall tranfport any Monies, Goods, or Merchandifes, out of any of our Kingdoms with a Pretence or Purpofe to land, fell, or otherwife difpofe of the fame within the Limits or Bounds of the faid Colony, and yet neverthelefs being at Sea, or after he hath landed within any part of the faid Colony, fhall carry the fame into any other foreign Country with a Purpofe thereto fell and difpofe thereof; That then all the Goods and Chattels of the faid Perfon or Perfons fo offending, and tranfported, together with the Ship or Veffel wherein fuch Tranfportation was made, fhall be forfeited to Us, our Heirs, and Succeffors. AND further, our Will and Pleafure is, that in all Questions and Doubts that fhall arife upon any Difficulty of Conftitution or Interpretation of any Thing contained either in this, or in our faid former Letters-patents, the fame fhall be taken and interpreted in moft ample and beneficial Manner for the faid Treafurer and Company, and their Succeffors, and every Member thereof. AND further, we do, by thefe Prefents RATIFY and CONFIRM unto the faid Treafurer and Company, and their Succeffors, all the Privileges, Franchifes, Liberties, and Immunities granted in our faid former Letters-patents, and not in thefe our Letters-patents, revoked, altered, changed, or abridged. AND finally our Will and Pleafure is, and we do further hereby for Us, our Heirs, and Succeffors, GRANT and AGREE, to and with the faid Treafurer and Company, and their Succeffors, that all and fingular Perfon and Perfons, which fhall at any Time or Times hereafter adventure any Sum or Sums of Money, in and towards the faid Plantation of the faid Colony in *Virginia*, and fhall be admitted by the faid Council and Company, as Adventurers of the faid Colony in Form aforefaid, and fhall be enrolled in the Book or Records of the Adventurers of the faid Company, fhall and may be accounted, accepted, taken, held, and reputed Adventurers of the faid Colony, and fhall, and may enjoy all and fingular Grants, Privileges, Liberties,

† M. S. *County*.

ties, Benefits, Profits, Commodities and Immunities, Advantages and Emoluments whatsoever, as fully, largely, amply, and absolutely, as if they and every of them, had been precisely, plainly, singularly, and distinctly named and inserted in these our Letters-patents. AND lastly, because the principal Effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect we should be loath that any Person should be permitted to pass that we suspected to affect the Superstitions of the Church of *Rome*, we do hereby DECLARE, that it is our Will and Pleasure that none be permitted to pass in any Voyage from Time to Time to be made into the said Country, but such as first shall have taken the Oath of Supremacy; For which Purpose, we do by these Presents give full Power and Authority to the Treasurer for the Time being, and any three of the Council, to tender and exhibit the said Oath, to all such Persons as shall at any Time be sent and employed in the said Voyage. ALTHOUGH express Mention of true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants by Us, or any of our Progenitors or Predecessors to the aforesaid Treasurer and Company heretofore made in these Presents, is not made; Or any Act, Statute, Ordinance, Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or provided, or any other Thing, Cause, or Matter whatsoever in any wise notwithstanding. IN WITNESS whereof, We have caused these our Letters to be made Patent. Witness ourself at *Westminster*, the 23d Day of *May*, in the seventh Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the ****

PER IPSUM REGEM.

LUKIN.

The THIRD CHARTER of VIRGINIA.

[Stith's Hist. of Virginia. App. p. 23, March 12, 1611-12.]

JAMES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*. Defender of the Faith; To all to whom these Presents shall come, Greeting. WHEREAS at the humble Suit of divers and sundry our loving Subjects, as well Adventurers as Planters of the first Colony in *Virginia*, and for the Propagation of *Christian* Religion, and reclaiming of People barbarous, to Civility and Humanity, We have, by our Letters-Patents, bearing Date at *Westminster*, the three-and-twentieth Day

Day of *May*, in the seventh Year of our Reign of *England*, *France*, and *Ireland*, and the two-and-fortieth of *Scotland*, GIVEN and GRANTED unto them that they and all such and so many of our loving Subjects as should from time to time, for ever after, be joined with them as Planters or Adventurers in the said Plantation, and their Successors, for ever, should be one Body politick, incorporated by the Name of *The Treasurer and Company of Adventurers and Planters of the City of London for the first Colony in Virginia* ; And whereas also for the greater Good and Benefit of the said Company, and for the better Furtherance, Strengthening, and Establishing of the said Plantation, we did further GIVE, GRANT and CONFIRM, by our Letters-patents unto the said Company and their Successors, for ever, all those Lands, Countries or Territories, situate, lying and being in that Part of *America* called *Virginia*, from the Point of Land called *Cape* or *Point Comfort* all along the Sea Coasts to the Northward two hundred Miles ; and from the said Point of *Cape Comfort* all along the Sea Coast to the Southward two hundred Miles ; and all that Space and Circuit of Land lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea West and North-west ; and also all the Islands lying within one hundred Miles along the Coast of both the Seas of the Precinct aforesaid ; with divers other Grants, Liberties, Franchises and Preheminences, Privileges, Profits, Benefits, and Commodities granted in and by our said Letters-Patents to the said Treasurer and Company and their Successors for ever. Now forasmuch as we are given to understand, that in those Seas adjoining to the said Coasts of *Virginia*, and without the Compaſs of those two hundred Miles by Us so granted unto the said Treasurer and Company as aforesaid, and yet not far distant from the said Colony in *Virginia*, there are or may be divers Islands lying desolate and uninhabited, some of which are already made known and discovered by the Industry, Travel, and Expences of the said Company, and others also are supposed to be and remain as yet unknown and undiscovered, all and every of which it may import the said Colony both in Safety and Policy of Trade to populate and plant ; in Regard whereof, as well for the preventing of Peril, as for the better Commodity of the said Colony, they have been humble Suitors unto Us, that We would be pleased to grant unto them * an Enlargement of our said former Letters-Patents, as well for a more ample Extent of their Limits and Territories into the Seas adjoining to and upon the Coast of *Virginia*, as also for some other Matters and Articles concerning the better Government of the said Company and Colony, in which Point our said former Letters-Patents do not extend so far as Time and Experience hath found to be needful and convenient : We therefore tendering the good and happy Success of the said Plantation,

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tion, both in Regard of the General * Weal of human Society, as in Respect of the Good of our own Estate and Kingdoms, and being willing to give Furtherance unto all good Means that may advance the Benefit of the said † Company, and which may secure the Safety of our loving Subjects planted in our said Colony, under the Favour and Protection of God Almighty, and of our Royal Power and Authority, have therefore of our especial Grace, certain Knowledge, and mere Motion, given, granted, and confirmed, and for Us, our Heirs and Successors, we do by these Presents give, grant, and confirm to the said Treasurer and Company of Adventurers and Planters of the City of *London* for the first Colony in *Virginia*, and to their Heirs and Successors for ever, all and singular those Islands whatsoever situate and being in any Part of the Ocean Seas bordering upon the Coast of our said first Colony in *Virginia*, and being within three Hundred Leagues of any of the Parts heretofore granted to the said Treasurer and Company in our said former Letters-Patents as aforesaid, and being within or between the one-and-fortieth and thirtieth Degrees of Northerly Latitude; together with all and singular Soils, Lands, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines and Minerals, as well Royal Mines of Gold and Silver, as other Mines and Minerals, Pearls, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, and Preeminences, both within the said Tract of Land upon the Main, and also within the said Islands and Seas adjoining whatsoever and thereunto or thereabouts, both by Sea and Land being or situate; And which, by our Letters-Patents we may or can grant, and in as ample Manner as We or any our noble Progenitors have heretofore granted to any Person or Persons, or to any Company, Body Politick or corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Discoveries, Plantations, or Traffick, of, in, or into any foreign Parts whatsoever, and in as large and ample Manner as if the same were herein particularly named, mentioned, and expressed. Provided always, that the said Islands or any Premises herein mentioned, or by these Presents intended or ‡ meant to be granted, be not actually possessed or inhabited by any othe Christian Prince or Estate, nor be within the Bounds, Limits, or Territories of the Northern Colony heretofore by Us granted to be planted by divers of our loving Subjects in the North Parts of *Virginia*. To HAVE AND TO HOLD, possesse and enjoy ||, all and singular the said Islands in the said Ocean Seas so lying and bordering upon the Coast and Coasts of the said Territories of the said first Colony in *Virginia*, as aforesaid. With all and singular the said Soils, Lands, Grounds, and all and singular other the Premises heretofore by these Presents granted or mentioned to be granted to them, the said † Treasurer and Company of Adventurers and Planters of the City of *London* for

* M. S. *Wheel*. † M. S. *Companies*. ‡ M. S. *mean*. || M. S. *and and singular*. † M. S. *Treasurers*.

for the first Colony in *Virginia*, and to their Heirs, Successors, and Assigns, for ever, to the sole and proper Use and Behoof of them the said Treasurer and Company, and their Heirs and Successors and Assigns, for ever; TO BE HOLDEN OF US, our Heirs and Successors, as of our Manor of *East-Greenwich*, in Free and common Soccage, and not in *Capite*; YIELDING AND PAYING therefore to Us, our Heirs and Successors, the fifth * Part of the Ore of all Gold and Silver which shall be there gotten, had, or obtained for all Manner of Services whatsoever. And further, Our Will and Pleasure is, and We do by these Presents, GRANT AND CONFIRM, for the Good and Welfare of the said Plantation, and that Posterity may hereafter know who have adventured and not been sparing of their Purfes in such a noble and generous Action for the general Good of their Country, and at the Request and with the Consent of the Company aforesaid, that Our trusty and well-beloved † Subjects *George* Lord Archbishop of *Canterbury*, *Henry*, Earl of *Huntington*, *Edward* Earl of *Bedford*, *Richard* Earl of *Clanrickard*, &c. who since Our said last Letters-Patents are become Adventurers, and have joined themselves with the former Adventurers and Planters of the said Company and Society, shall from henceforth be reputed, deemed, and taken to be, and shall be Brethren and free Members of the Company; and shall and may respectively, and according to the Proportion and Value of their several Adventures, HAVE, HOLD, and ENJOY, all such Interest, Right, Title, Privileges, Preheminences, Liberties, Franchises, Immunities, Profits, and Commodities whatsoever, in as large and ample and beneficial Manner, to all Intents, Construtions, and Purposes, as any other Adventures nominated and expressed in any our former Letters-Patents, or any of them have or may have by Force and Virtue of these Presents, or any our former Letters-Patents whatsoever. And We are further pleased, and We do by these Presents GRANT AND CONFIRM, that *Philip* Earl of *Montgomery*, *William* Lord *Paget*, Sir *John Starrington*, Knt. &c. whom the said Treasurer and Company have since the said last Letters-Patents nominated and set down as worthy and discreet Persons fit to serve Us as Counsellors, to be of our Council for the said Plantation, shall be reputed, deemed, and taken as Persons of our said Council for the said first Colony, in such Manner and Sort, to all Intents and Purposes, as those who have been formerly elected and nominated as our Counsellors for that Colony, and whose Names have been, or are inserted and expressed in our said former Letters-Patents. And we do hereby ordain and grant by these Presents, that the said Treasurer and Company of Adventurers and Planters aforesaid, shall and may, once every Week, or oftener, at their Pleasure, hold, and keep a Court and Assembly for the better Order and Go-

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* M. S. *first*.† M. S. *Subject*.

vernment of the said Plantation, and such Things as shall concern the same; And that any five Persons of our Council for the said first Colony in *Virginia*, for the Time being, of which Company the Treasure, or his Deputy, to be always one, and the Number of fifteen others, at the least, of the Generality of the said Company, assembled together in such Manner, as is and hath been heretofore used and accustomed, shall be said, taken, held, and reputed to be, and shall be a *sufficient Court* of the said Company, for the handling and ordering, and dispatching of all such casual and particular Occurrences, and accidental Matters, of less Consequence and Weight, as shall from Time to Time happen, touching and concerning the said Plantation: And that nevertheless, for the handling, ordering, and disposing of Matters and Affairs of greater Weight and Importance, and such as shall or may, in any Sort, concern the * Weal Publick and general Good of the said Company and Plantation, as namely, the Manner of Government from Time to Time to be used, the ordering and Disposing of the Lands and Possessions, and the settling and establishing of a Trade there, or such like, there shall be held and kept every Year, upon the last *Wednesday*, save one, of *Hillary Term*, *Easter*, *Trinity*, and *Michaelmas* Terms, for ever, one great, general, and solemn Assembly, which four Assemblies shall be stiled and called, *The four Great and General Courts of the Council and Company of Adventurers for Virginia* †; In all and every of which said Great and General Courts, so assembled, our Will and Pleasure is, and we do, for Us, our Heirs and Successors, for ever, Give and Grant to the said Treasurer and Company, and their Successors for ever, by these Presents, that they, the said Treasurer and Company, or the greater Number of them, so assembled, shall and may have full Power and Authority, from Time to Time, and at all Times hereafter, to elect and chuse discreet Persons, to be of our said Council for the said first Colony in *Virginia*, and to nominate and appoint such Officers as they shall think fit and requisite, for the Government, managing, ordering, and dispatching of the Affairs of the said Company; And shall likewise have full Power and Authority, to ordain and make such Laws and Ordinances, for the Good and Welfare of the said Plantation, as to them from Time to Time, shall be thought requisite and meet: *So always*, as the same be not contrary to the Laws and Statutes of this our Realm of *England*; And shall, in like Manner, ‡ have Power and Authority, to expulse, disfranchise, and put out of and from their said Company and Society for ever, all and every such Person and Persons, as having either promised or subscribed their Names to become Adventurers to the said Plantation, of the said first Colony in *Virginia*, || or having been nominated for Adventurers in these or any other our Letters-Patents, or having been otherwise admitted

* M. S. *W*, with a Blank after it. † M. S. *in and every*. ‡ M. S. *have and Authority*. § M. S. *of*,

mitted and nominated to be of the said Company, have nevertheless either not put in any adventure at all for and towards the said Plantation, or else have refused or neglected, or shall refuse and neglect to bring in his or their Adventure, by Word or Writing, promised within six Months after the same shall be so payable and due. And whereas, the Failing and not Payment of such Monies as have been promised in Adventure, for the Advancement of the said Plantation, hath been often by Experience found to be dangerous and prejudicial to the same, and much to have hindered the Progress and Proceeding of the said Plantation, and for that it seemeth unto Us a Thing reasonable, that such Persons, as by their Hand Writing have engaged themselves for the Payment of their Adventures, and afterwards neglecting their Faith and Promise, should be compelled to make good and keep the same: Therefore, Our Will and Pleasure is, that in any Suit or Suits commenced, or to be commenced in any of our Courts at *Westminster*, or elsewhere, by the said Treasurer and Company, or otherwise against any such Persons, that our Judges for the Time being, both in our Court of Chancery, and at the Common Pleas, do favour and further the said Suits so far forth as Law and Equity will in any wise further and permit. And We do, for Us, our Heirs and Successors, further give and grant to the said Treasurer and Company, or their Successors forever, that the said Treasurer and Company, or the greater Part of them for the Time being, so in a full and general Court assembled as aforesaid, shall and may from Time to Time, and at all times forever hereafter, elect, choose and admit into their Company, and Society, any Person or Persons, as well Strangers * and Aliens born in any Part beyond the Seas wheresoever, being in Amity with Us, as our natural Liege Subjects born in any our Realms and Dominions: And that all such Persons so elected, chosen, and admitted to be of the said Company as aforesaid, shall thereupon be taken, reputed, and held, and shall be free Members of the said Company, and shall have, hold, and enjoy all and singular Freedoms, Liberties, Franchises, Privileges, Immunities, Benefits, Profits, and Commodities whatsoever, to the said Company in any Sort belonging or appertaining, as fully, freely and amply as any other Adventurers now being, or which hereafter at any Time shall be of the said Company, hath, have, shall, may, might, or ought to have and enjoy the same to all Intents and Purposes whatsoever. And We do further of our especial Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, give and grant unto the said Treasurer and Company, and their Successors for ever, by these Presents, that it shall be lawful and free for them and their Assigns, at all and every Time and Times hereafter, out of any our Realms and Dominions whatsoever, to take, lead, carry, and transport in and into the said Voyage, and for and towards the said Plantation of our said first Colony

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in *Virginia*, all such and so many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordnance, Munition, Powder, Shot, Victuals, and all Manner of Merchandises and Wares, and all Manner of Cloathing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and from, without paying or yielding any Subsidy, Custom, or Imposition, either inward or outward, or any other Duty to Us, our Heirs and Successors, for the same, for the Space of Seven Years from the Date of these Presents. And We do further, for Us, our Heirs and Successors, give and grant to the said Treasurer and Company, and their Successors forever, by these Presents, that the said Treasurer of that Company, or his Deputy for the Time being, or any two other of the said Council, for the said first Colony in *Virginia*, for the Time being, or any two other at all Times hereafter, and from Time to Time, have full Power and authority to minister and give the Oath and Oaths of Supremacy and Allegiance, or either of them, to all and every Person and Persons, which shall at any Time or Times hereafter, go or pass to the said Colony in *Virginia*. And further, that it shall be lawful likewise for the said Treasurer, or his Deputy for the Time being, or any two or others of our said Council, for the said first Colony in *Virginia*, for the Time being, from Time to Time, and at all Times hereafter to minister such a formal Oath, as by their discretion shall be reasonably devised, as well unto any Person or Persons employed in, for, or touching the said Plantation, for their honest, faithful and just Discharge of their Service in all such Matters as shall be committed unto them, for the Good and Benefit of the said Company, Colony and Plantation; As also unto such other Person or Persons as the said Treasurer, or his Deputy, with two others of the said Council shall think meet, for the Examination or clearing of the Truth, in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or thereunto belonging. And furthermore, whereas We have been certified, That divers lewd and ill disposed Persons, both Sailors, Soldiers, Artificers, Husbandmen, Labourers and others, having received Wages*, Apparel and other Entertainment, from the said Company, or having contracted and agreed with the said Company to go, or to serve, or to be employed in the said Plantation of the said first Colony in *Virginia*, have afterwards either withdrawn, hid, or concealed themselves, or have refused to go thither, after they have been so entertained and agreed withal: And that divers and sundry Persons also, which have been sent and employed in the said Plantation of the said first Colony in *Virginia*, at
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* M. S. Appell an other.

and upon the Charge of the said Company, and having there misbehaved themselves by Mutinies, Sedition, or other notorious Misdemeanors, or having been employed or sent abroad by the Governor of *Virginia*, or his Deputy, with some Ship or Pinnace, for our Provision of the said Colony, or for some Discovery, or other Business and Affairs concerning the same, have from thence most treacherously either come back again, and returned into our Realm of *England*, by Stealth, or without Licence of our Governor of our said Colony in *Virginia*, for the Time being, or have been sent thither as Misdoers and Offenders: And that many also of those Persons after their Return from thence, having been questioned by our said Council here, for such their Misbehaviors and Offences, by their insolent and contemptuous Carriage in the Presence of our said Council, have shewed little Respect and Reverence either to the Place or Authority in which we have placed and appointed them; And others for the colouring of their Lewdness and Misdemeanors committed in *Virginia*, have endeavoured by most vile and slanderous Reports made and divulged, as well of the Country of *Virginia*, as also of the Government and Estate of the said Plantation and Colony, as much as in them lay, to bring the said Voyage and Plantation into Disgrace and Contempt: By Means whereof, not only the Adventurers and Planters already engaged in the said Plantation, have been exceedingly abused and hindered, and a great Number of other, our loving and well-disposed Subjects, otherwise well affected and inclined to join and adventure in so noble, Christian, and worthy an Action, have been discouraged from the same; but also the utter overthrow and Ruin of the said Enterprize hath been greatly endangered, which cannot miscarry without some Dishonour to Us, and our Kingdom.

Now, sofar as it appeareth unto us, that these Insolences, Misdemeanors, and Abuses, not to be tolerated in any civil Government, have, for the most part, grown and proceeded, in regard our said Council have not any direct Power and Authority, by any express Words in our former Letters-patents, to correct and chastise such Offenders; We therefore, for more speedy Reformation of so great and enormous Abuses and Misdemeanors heretofore practised and committed, and for the preventing of the like hereafter, do by these Presents for Us, our Heirs, and Successors, GIVE and GRANT, to the said Treasurer and Company, and their Successors for ever, that it shall, and may be lawful for our said Council for the first Colony in *Virginia*, or any two of them (whereof the said Treasurer or his Deputy for the Time being, to be always one) by Warrant under their Hands, to send for, or cause to be apprehended, all, and every such Person and Persons, who shall be noted, or accused, or found at any Time or Times hereafter, to offend or misbehave themselves, in any the Offences before mentioned and expressed, and upon the Examination of any such Offender or Offenders, and just Proof made by Oath, taken before the said Council, of any such notorious Misdemeanors by them committed as
aforesaid;

aforesaid ; And also upon any insolent and contemptuous, or indecent Carriage and Misbehaviour, to, or against, any our said Council, shewed or used by any such Person or Persons so called, convented, and appearing before them as aforesaid ; That in all such Cases, they our said Council, or any two of them for the time being, shall, and may have full Power and Authority, either here to bind them over with good Sureties for their good Behaviour, and further therein, to proceed to all Intents and Purposes, as it is used in other like Cases, within our Realm of *England* ; Or else, at their Discretions, to remand and send back the said Offenders, or any of them, unto the said Colony in *Virginia*, there to be proceeded against and punished, as the Governor, Deputy or Council there, for the Time being, shall think meet ; Or otherwise, according to such Laws and Ordinances, as are and shall be in Use there, for the Well-ordering and good Government of the said Colony. And for the more effectual Advancing of the said Plantation, We do further, for Us, our Heirs, and Successors, of our especial Grace and Favour, by Virtue of our Prerogative Royal, and by the Assent and Consent of the Lords and others of our Privy Council, GIVE and GRANT, unto the said Treasurer and Company, full Power and Authority, free Leave, Liberty, and Licence, to set forth, erect, and publish, one or more Lottery or Lotteries, to have Continuance, and to endure and be held, for the Space of our whole Year, next after the opening of the same ; And after the End and Expiration of the said Term, the said Lottery or Lotteries to continue and be further kept, during our Will and Pleasure only, and not otherwise. And yet nevertheless, we are contented and pleased, for the Good and Welfare of the said Plantation, that the said Treasurer and Company shall, for the Dispatch and Finishing of the said Lottery or Lotteries, have six Months Warning after the said Year ended, before our Will and Pleasure shall, for and on that Behalf, be construed, deemed, and adjudged, to be in any wise altered and determined. And our further Will and Pleasure is, that the said Lottery and Lotteries shall and may be opened and held, within our City of *London*, or in any other City or Town, or elsewhere, within this our Realm of *England*, with such Prizes, Articles, Conditions, and Limitations, as to them, the said Treasurer and Company, in their Discretions, shall seem convenient : And it shall and may be lawful, to and for the said Treasurer and Company, to elect and choose Receivers, Surveyors, Auditors, Commissioners, or any other Officers whatsoever, at their Will and Pleasure, for the better marshalling, disposing, guiding, and governing of the said Lottery and Lotteries ; And that it shall likewise be lawful, to and for the said Treasurer and any two of the said Council, to minister to all and every such Person, so elected and chosen for Officers, as aforesaid, one or more Oaths, for their good Behaviour, just and true Dealing, in and about the said Lottery or Lotteries, to the Intent and Purpose, that none of our loving Subjects, putting in their Names, or otherwise adventuring in the said general Lottery or Lotteries, may be, in any wise,
defrauded

defrauded and deceived of their said Monies, or evil and indirectly dealt withal in their said Adventures. And we further GRANT, in Manner and Form aforesaid, that it shall and may be lawful, to and for the said Treasurer and Company, under the Seal of our said Council for the Plantation, to publish, or to cause and procure to be published by Proclamation, or otherwise (the said Proclamation to be made in their Name, by Virtue of these Presents) the said Lottery or Lotteries, in all Cities, Towns, Burroughs, and other Places, within our said Realm of *England*; And we Will and Command all * Mayors, Justices of the Peace, Sheriffs, Bailiffs, Constables, and other Officers and loving Subjects, whatsoever, that in no wise, they hinder or delay the Progress and Proceedings of the said Lottery or Lotteries, but be therein, touching the Premises, aiding and assisting, by all honest, good, and lawful Means and Endeavours. And further, our Will and Pleasure is, that in all Questions and Doubts, that shall arise, upon any Difficulty † of Construction or Interpretation of any Thing, contained in these, or any other our former Letters-patents, the same shall be taken and interpreted, in most ample and beneficial Manner for the said Treasurer and Company, and their Successors, and every Member thereof. And lastly, we do, by these Presents, RATIFY AND CONFIRM unto the said Treasurer and Company, and their Successors, for ever, all and all Manner of Privileges, Franchises, Liberties, Immunities, Preheminences, Profits, and Commodities, whatsoever, granted unto them in any our former Letters-patents, and not in these Presents revoked, altered, changed, or abridged. ALTHOUGH express Mention of the true Yearly Value or Certainty of the Premises, or any of them, or of any other Gift or Grant, by Us or any our Progenitors or Predecessors, to the aforesaid Treasurer and Company heretofore made in these Presents is not made; Or any Statute, Act, Ordinance, Provision, Proclamation, or Restraint, to the contrary thereof heretofore made, ordained, or provided, or any other Matter, Cause, or Thing, whatsoever, to the contrary, in any wise, notwithstanding.

IN WITNESS whereof we have caused these our Letters to be made Patents. Witness Ourself, at *Westminster*, the twelfth Day of *March*, in the ninth Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the five and fortieth.

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* M. S. Mayor.

† M. S. Or.

*De COMMISSIONE SPECIALI directa WALTERO RAWLEY
Militi concernente Voiagium GUIANIANUM.*

[Rymer's Fœdera, Tom. XVI. Page 789. A. D. 1616.]

JAMES, by the Grace of God, &c. to all to whome theis Presentes shall come to be reade, hearde, or seene, and to every of them, Greetinge. WHEREAS Sir *Walter Rawleigh, Knight*, intendeth to undertake a Voyage by Sea and Shippinge into the *Southe Partes of America*, or elsewhere, within America possessed and inhabited by Heathen and Savage People, to the ende to discover and finde out some Commodities and Marchandizes in those Countries that may be necessary and profitable for the Subjects of theis our Kingdomes and Dominions, whereof the Inhabitants there make little or noe Use or Estimation; whereupon alsoe may ensue by Trade and Commerce some Propagation of the Christian Faith and Reformed Religion amongst those savage and idolatrous People. And whereas We are credibly informed, that there are dyvers Merchants and Owners of Shippes, and others well disposed to assist the saide Sir *Walter Rawleigh* in this his Enterprise, had they sufficient Assurance to enjoy their Partes of the Profittes retourned, in Respect of the Perill of Lawe wherein the saide Sir *Walter Rawleigh* now standeth. And whereas also We are informed, that dyvers other the Kinsmen and Friendes of the saide Sir *Walter Rawleigh*, and dyvers Capteins and other Commaunders are alsoe desirous to follow him, and to adventure theire Lyves with him in this his Journey, foe as they might be commaunded by noe other then himselfe. KNOW YE, that Wee, uppon deliberate Consideration had of the Premisses, being desirous by all Waies, and Meanes to worke and procure the Benefitt and Good of our lovinge Subjectes, and to give our Princely Furtheraunce to the saide Sir *Walter Rawleigh* his Friends and Associates herein, to the Incouragement of others in the like laudable Journyes and Enterprizes to be hereafter prosecuted and pursued; and especially in Advancement and Furtherance, as well of the Conversion of Sauvage People as of the Increase of the Trade Traffique and Merchandize used by our Subjectes of this our Kingdom, being most famous through all Nations, of our especial Grace, certain Knowledge and meare Motion, have given and graunted, and by theis Presents for Us our Heires and Successors, doe give and graunte unto the saide Sir *Walter Rawleigh* full Power and Authority, and free Licence and Liberty, out of this our Realme of Englande or anie other our Dominions, to Have, Take, Carry and Leade, for and towardes his said intended Voyage into the said Southe Partes or other Partes of America possessed and inhabited as aforefaide, and traveill thither, all suche
and

and foe many of our loving Subjectes, or any other Straungers that will become our loving Subjectes and lyue under our Obeizance and Allegiaunce, as shall willingly accompany him with sufficient Shippinge, Armor, Weapons, Ordnance, Munition, Pouder, Shot, Habilliments, Viſtuallcs, and ſuche Wares and Marchandizes as are eſteemed by the wilde People in thoſe Partes, Clothinge, Implementes, Furniture, Cattrell, Horſes, Mares, and all other ſuch thinges as he ſhall thinke moſt neceſſary for his Voyage, and for the uſe and defence of him and his Company and Trade with the people there, and in paſſinge and returninge to and fro ; and in thoſe Partes to Give away, Sell, Barter, Exchange, or otherwiſe diſpoſe of the ſame Goodes, Marchandizes and Premises to the moſte Benefit and att the Will and Pleaſure of the ſaid Sir *Walter Rawleigh* and his Companie, and ſuch other Perſon and Perſons as ſhall be Adventurers or Aſſiſtentes with or unto him in this his intended Voyage, and from thence to returne, import, convey and bringe into this our Kingdome or anie other our dominions, ſuch Gould, Silver, Bullion, or anie other Wares, Merchandizes, or Commodities whatſoever as they ſhall thinke moſt fitte and convenient ; and the ſame beinge ſoe retourned, imported, conveyed and brought into this our Kingdome, or anie other our Dominions, to have take keepe, retaine, and convert to the only proper Uſe Benefit and Behooſe of the ſaid Sir *Walter Rawleigh* and his ſaid Company, and other Perſons Adventurers and Aſſiſtantes with or to him in this Voyage without the Lett, Interruption, Moleſtation, or Diſturbance of Us our Heires and Succeſſors, or anie the Officers and Miniſters of Us our Heires and Succeſſors whatſoever : PAYINGE and ANSWERINGE unto Us our Heires and Succeſſors the full fiſte Parte, in five Partes to be devyded, of all ſuch Gould, and Silver, and Bullion, or Oare of Goulde, and Silver, and Pearle, or precious Stone, as ſhall be ſoe imported, over and beſides and together with ſuch Customs, Subſidies, and other Duties as ſhould be due for or in Reſpect of any other Goods, Wares, or Merchandizes whatſoever to be imported by the true Meaning of theis Preſentes. And to the Ende the ſaide Sir *Walter Rawleigh* may be the more encouraged to goe forward in this his Enterprize, and all our lovinge Subjectes deſirous to be Adventurers with him or Aſſiſtant unto him may be the more incited to further his Proceedings, Wee doe hereby, *in Verbo Regio*, for Us our Heires and Succeſſors, covenante, promiſe, and graunte to and with the ſaid Sir *Walter Rawleigh* and all other Perſons that ſhall accompany him, or be attendant upon him, or be Adventurers or Aſſiſtantes with or to him in this his Voyage, that noe Gould, Silver, Goodes, Wares, or Merchandizes whatſoever of what kinde or forte ſoever, by him or them, or anie of them, to be imported into this our Kingdome of England, or into anie other our Dominions, from anie the ſaide Southe or other Partes of America, poſſeſſed or inhabited as aforeſaid, ſhall be attached, ſeized, or taken by Us our Heires or Succeſſors, or to the Uſe of Us our Heires or Succeſſors, or by any the Officers or Miniſters of Us our

Heires or Successors whatsoever, but that the same and every of them, the fiftie Parte of the faide Goulde, Silver, Bullion, and Oare of Gold, and Silver, and Pearle, and precious Stones, and other the Customes and Duties aforesaid being truly answered and paide, should be and remaine to the sole and proper Use and Behoofe of the faide Sir *Walter Rawleigh* and his said Companye, and such Persons as shall be-Adventurers with him or his, or Assistant unto him in this his Voyage, any lawe, Satute, Aste of Parliament, Proclamation, Provision or Restraint, or anie Right Title or Clayme of Us our Heires or Successors, or any other Matter or Thing whatsoever, to the contrary in any wise notwithstanding. And further, of our more especiall Grace certeine Knowledge and meare Motion, Wee doe hereby, for Us our Heires and Successors, ordaine, constitute, and appoint the faide Sir *Walter Rawleigh* to be the sole Governor and Commaunder of all Persons that shall travell or be with him in the faide Voyage to the faide South or other parts of America soe possessed or inhabited as aforesaid, or in returnge from thence: And Wee doe hereby give unto him full Power and authority to correct punish, pardon, governe, and rule, them or anie of them, according to such Orders, Ordenaunces, Constitutions, Directions and Instructions as by the faide Sir *Walter Rawleigh* shall be from time to time established, as well in Cases capitall and criminall, as civill, bothe marine and other, so allwaies as the faide Statutes, Ordenaunces, and Proceedings, as near as conveniently may be, be agreeable to the Lawes, Statutes, Government, and Policy of this our Realme of England; not against the true Christian Faith now professed in the Church of England; And because that in such and the like Enterprises and Voyages, great Inconveniencies have growen by the mutinous and disorderly Carriage of the Mariners and Saylers, employed in the same for want of sufficient authority to punish them accordinge to their Offences, Wee doe therefore by theis Presentes, for Us our Heires and Successors, give full Power and Authority to the same Sir *Walter Rawleigh*, in Case of Rebellion and Mutinie by Sea or Lande, to use and exercise Martiall Lawe uppon Grounde and apparant necessity, in as lardge and ample manner as our Lieutenant Generall by Sea or Lande, or our Lieutenantes in our Counties within our Realme of England, have had or ought to have by Force of their Commission of Lieutenancy. And Wee doe further by theis Presentes, give full Power and Authority to the said Sir *Walter Rawleigh* to elect nominate and appoint such Captaines, and other inferiour Commaunders and Ministers under him, as shall be requisite for the better ordning and governing of his Companie and the good of the Voyage. And further Wee doe by theis Presentes, for Us our Heires and Successors, straightly charge and commaunde the Warden of our Cinque Portes, and all the Customers, Comptrollers, Surveighors, Searchers, Wayters, and other Officers and Ministers of Us our Heires and Successors for the Time being, that they and everie of them, doe quietlie permit and suffer the said Sir *Walter Rawleigh*,
and

and all Person and Persons that shall be willinge to travaile and adventure with him in this Voyage with their Shippes, Munytion, Goodes, Wares, and Merchandizes, whatsoever, out of this our Realme or anie other our Dominions, to passe into the faide Southe or Northe Partes of America possessed and inhabited as aforesaid; and from thence to retourne and ymporte into this our Realme or anye other our Dominions, anye Goodes, Wares, or Merchandizes whatsoever; and there to sell, or otherwise dispose of the same to the beste Benefitt and Advantage, and to the onelie Use and Behoofe of the sayde Sir *Walter Rawleigh*, and his Company, and such other Persons as shall be Adventurers with him in this Voyadge; PAYING the fiftie Parte of all Gould and Silver Bullion, and Oare of Gould and Silver, and of Pearle, and precious Stone imported, and other the Customes and Duties aforesaid; And theis Presentes, or the Inrollment thereof, shall be unto the said Warden of the Cinque Ports, Customers, Comptrollers, and other the Officers and Ministers aforesaid for the tyme being, a sufficient Warrant and Discharge in that Behalfe. And our Will and Pleasure is, and by theis Presentes, for Us, our Heires and Successors, Wee do graunte unto the said Sir *Walter Rawleigh*, that theis our Letters-Patentes, or the Inrollment thereof, and of all and singular Grauntes, Clauses, and Things therein contayned, shall be firme, stronge, sufficient, and effectual in Lawe, according to our gracious Pleasure and Meaning herein expresse, any Lawe, Statute, Acte, Provision, Ordynance or Restrainte, or anye other Matter or Thing to the contrarie thereof, in any wise notwithstanding: Although expresse Mention, &c.

In Witnes whereof, &c.

Witness Ourself at *Westmynster*, the sixe-and-twentieth Day of August.

Per Breve de Privato Sigillo.

PROCLAMATIO concernens WALTERUM RAWLEIGH, *Militem*
et *Viagium suum ad Guianam.*

[Rymer's *Fœdera*, Tom XVII. Page 92. A. D. 1618.]

WHEREAS We gave Licence to Sir *Walter Rawleigh*, Knight, and others of our Subjectes with him, to undertake a Voyage to the Countrey of *Guiana*, where they pretended great Hopes and Probabilities, to make Discovery of certain Gould Mines, for the lawful enrichinge of themselves, and these our Kingdomes, wherein

wherein We did, by expresse Limitation and Caution, restrayne and forbid them, and everye of them, from attemptinge any Aste of Hostility, Wronge, or Violence whatsoever, upon any of the Territories, States, or Subjectes of any forrayne Princes with whom We are in Amity, and more peculiarly of those of our dear Brother, the *Kinge of Spayne*, in Respect of his Domynions and Interestes in that Continent, all which notwithstanding, We are since informed by a common Fame, that they, or some of them, have by an hostile Invasion of the Towne of *Saint Thome*, being under the Obedience of oure said deare Brother, the *Kinge of Spayne*, and by killinge of divers of the Inhabitanes thereof, his Subjectes, and after by sackinge and burneing of the said Towne, as much as in them for their owne Partslay, maliciously broken and infringed the Peace and Amitye which hath bene soe happily established, and soe longe inviolably continued betwene Us and the Subjects of both our Crownes, We have therefore held it fit, appertayninge neerly to our Justice and Honour, estoones to make a publique Declaration of our owne utter Millike and Detestation of the said Insolences and Exceses (if any such have bene by any of our Subjectes committed) and, for the better Detection and clearing of the very Truth of the said common Fame, We doe hereby straightly charge and require all our Subjects whatsoever, that have any particular Understanding and Notice thereof, uppon their Duty and Allegiance which they owe Us, immediately after Publication of this our Pleasure, to repaire unto some of our Privy Councell, and to discover and make knowne unto them their whole Knowledge and Understandinge concerning the same, under Payne of our high Displeasure and Indignation, that we may thereupon proceed in our Princely Justice, to the exemplary Punishment and Coercion of all such as shall be convicted and found guilty of soe scandalous and enormous Outrages. Witnes our selfe at *Westminster*, the Eleaventh Day of June.

PER IPSUM REGEM.

PLYMOUTH COLONY RECORDS.

LIB. A.

THE Forme of Oath which
the Oth of Alegance to his Maj. which lives in this Colonie,
to the same. Fidelity

YOU shall sweare by the Name of the Great God
and Earth, and in his holy Fear, and Presence, that you shall not speake,
or

or doe, deuise or aduise, any Thing or Thinges, Acte or Acts, directly, or indirectly, by Land, or Water, that doth, shall, or may tend to the Destruction or Overthrowe of this present Plantation, Colonie, or Corporation of this Town of Plimoth, in New-England.

Neither shall you suffer the same to be spoken, or done, but shall hinder, and oppose the same by all due Means you can.

You shall not enter into any League, Treaty, Confederation, or Combination with any, within the said Colonie, or without the same, that shall plote or contrive any Thing to the Hurte, and Ruine of the Growth and Good of the said Plantation.

You shall not consente to any such Confederation, nor conceale any known vnto you certainly, or by Conj. but shall forthwith manifest and make knowne the same to the Gouvernours of this said Towne for the Time being.

And this you promise, and swear, simply, and truly, and faithfully to performe, as you hope for Help God, the God of Truth, and Punisher of Falsehoode.

*The Forme of the Oath which of the Gouvernour
and Counsell, at every new Election of them.*

Y O U shall swear, according to that Wisdome, and Measure of discerning giuen vnto you; faithfully, equally, and indifferently, without Respect of Persons, to administer Justice in all Causes coming before you. And shall labor to aduance, and further the Good of this Colony, and Plantation, to the utmost of your Power; and oppose any Thing that may hinder the same.

So help you God.

[The above Oaths are taken from the first Book of Records, beginning in 1620, and are supposed to be the first Oaths administered in the Colony.—The Form was afterwards changed.]

CONDITIONS upon which the ENGLISH at Leyden, who intended to remove to America, engaged with some Merchants in England, who were to be joint Adventurers with them.

[Hubbard's M. S. Hist. 7. fo. 40.]

I. **T**HE Adventurers and Planters doe agree, that euery person that goeth being 16 yeeres old and upwards, bee rated at tenn pounds, and that tenn pounds bee accounted a single share.

II. That

II. That hee that goeth in person and furnisheth himself out with tenn pounds, either in money or other provisions, bee accounted as having 20 lb. in stocke, and in the diuision shall receiue a double share.

III. The persons transported and the Adventurers, shall continue their joynt stocke, and partnership, the space of seauen yeeres, except some unexpected impediments doe cause the whole Company to agree otherwise; during which time all profits and benefits that are gotten by trade, trafficke, * trusting, working, fishing, or any any other meanes of any other person or persons † remayne still in the common stocke until the diuision.

IV. That at their coming there they shall chuse out such a number of fit persons as may furnish their shipes and boats for fishing upon the Sea; imploying the rest in their several facultyes upon the Land, as building houses, tilling and planting the ground, and making such commodities as shall be most vseful for the Colony.

V. That att the end of the seauen yeeres the capitall and profits, viz. the houses, lands, goods, and chattels, be equally deuided amongst the Adventurers, if any debt or detriment concerning this adventure.

VI. Whosoever cometh to the Collony hereafter, or putteth any thing into the stocke, shall, at the end of the seven seauen yeeres, bee allowed proportionally to the time of his soe doeing.

VII. Hee that shall carie his wife, or children, or seruants, shall bee allowed for every person, now aged 16 yeeres and upward, a single share in the diuision; or if he provide them necessaries, a double sheare, or if they be betweene 10 yeeres old and 16, then two of them to be reconed for a person, both in transportation and diuision.

VIII. That such children that now goe and are under age of ten yeeres, haue noe other share in the diuision, than fivety acres of unmanured Land.

IX. That such persons as dy before the seauen yeeres bee expired, their executors to have their parts or share at the diuision, proportionably to the time of their life in the Colony,

X. That all such persons as are of the Colony are to have meat, drinke, and apparell out of the comon stocke and goods of the said Colony.

☞ It appears from Hubbard that the conditions at first agreed upon, were more favorable to the Planters, but the Merchants (without whose assistance nothing could be

* Perhaps this should be *trucking*.

† *Shall*, seems to be wanting here

be done) insisted upon an alteration : what that was he tells us as follows in page 41.

“ The difference between the conditions thus expressed, and the former before their alteration stood in these two points : first, that the houses and lands improved, especially gardens and fields, should remaine undevide, wholly to the Planters at the 7 yeares end ; and that the Planters should have two dayes in the weeke for their owne private employment for the comfort of themselves and their families, especially such as had them to take care for. The altering of those two conditions was very afflictive to the mindes of such as were concerned in the voyage.”

COMMISSIO SPECIALIS *concernens le Garbling Herbæ
Nicotianæ.*

[Rymer's *Fœdera*, Tom. XVII, Page 190. A. D. 1620.]

JAMES, by the Grace of God, *King of England, Scotland, France, and Ireland*, Defender of the Faith, &c. to our trustie and well beloved, Sir William Paddy, Knight, and Matthew Gwynne, Doctor of Physicke, Symon Harvey, and Thomas Bourne, Citizens and Grocers of our City of London, Richard Asbcroft, and Thomas Hampson, Merchants, Richard Bacon, and Edmond Phillips, Citizens and Apothecaries of our said City of London, *Greeting* : Whereas, We taking into our Princelie Consideration, that divers good and necessarie Provisions have byne heretofore made, as well by Acte of Parliament as otherwise, for the well Garblinge of Spices and Druggs, to the Intent, that the Subjects of this our Realm should not be occasioned to use any unwholesome Spices or Druggs, to the ympaying of their Health, or to buy the bad instead of the good, to the ympayinge of their Substance, And that the Druggs (called Tobacco) being of late Years grown frequent in this our Realme, and other our Dominions, was daylie fould ungarbled, whereby more Inconvenience groweth and ariseth to our loving Subjects then by any other Druggs whatsoever ; And being alsoe informed, that the many and sundry Abuses practized and committed by Marchantes, Masters of Ships and others, in concealing and uttering thesaid Tobacco without paying any Ympost or Custome for the same, greate Losse and Damage accreweth to Us, notwithstanding any Lawes, Statutes, or other Courte heretofore taken ; For preventing thereof, Wee did, by our Letters-Patents under our Great Seal of *England*, bearing Date at *Westminster*, the five and twentieth Day

of Maye last, prohibit and forbid that noe Person or Persons should at any Time after the Day of the Date of the said Letters-Patents within our Realm of *England*, the Dominion of *Wales*, and Port and Towne of *Barwicke*, or any of them, or within our Realme of *Ireland*, or any Part of them, or any of them, by himselfe or themselves, or his or their Seruants or Factors, or any others, directlie or indirectlie, sell or put to Sale, or attempt, presume, or goe about any Manner of Way to sell or put to Sale, either in Grosse, or by Retayle, any Tobacco, of what Sorte, Kinde, or Groweth whatsoeuer, before the Custome and Ympost therefore due were paide, and the same Tobacco were viewed, distinguished and sealed by the Officer or Officers of Us, our Heires and Successors, in that Behalf to be constituted and appointed, as by our said Letters-Patents, amongst diuers other Things therein containd at large appeareth. And whereas afterwards, to the Intent our Will and Pleasure in the Premises might be the better knowne to all our lovinge Subjects whom yt may concern, Wee did, by our Proclamation, bearing Date the *Tenth Day of November* last past, notefie, publishe, and declare the same our Pleasure, willing and commaunding, that all and every the Premises therein mentioned, should be from Tyme to Tyme in euerie Respect duly performed, executed and observed, according to the true Intent and Meaning of the same our Letters-Patents, as by our said Proclamation more at large appeareth: Wee, continewng our former Resolution and Purpose, to provide for the Health and Welfare of our loving Subjects, have determined foe to proceed in the effectinge thereof, that the badd and unwholesome Tobacco maye be seuered, distinguished, and discerned, and yet the Good receive noe Prejudice to the Hindrance of the Sale of the Commoditie, and Prejudice of the Marchante: Know ye now that Wee, reposing assured Trust and Confidence in the Learning, Skill, and Experience of you, the said Sir William Paddy, *Matthewe Gwynne*, *Simon Harvey*, *Thomas Bourne*, *Richard Ashcrofte*, *Thomas Hampson*, *Richard Bacon*, and *Edmond Phillips*, have assigned and appoynted you to be our Commissioners, and doe hereby for Us, our Heirs and Successors, give and graunt full Power and Authoritie unto you, or any five or more of you (whereof one of you to be a Phisition, one other a Marchant, one other a Grocer, and one other an Apothecarie) to assemble and meet together in such convenient Place and Places, as you shall think meet; and, upon serious and advised Consideration of all necessarie Circumstances incident to that Businesse, to conceive, make, ordayne, treat, digest, and set down, such and foe many good and fit Ordinances, Orders, and Directions in Writing, for the Manner of garbling and distinguishing of the aforesaid Drug called Tobacco, according to the true Intent of our said Letters-Patents and Proclamation, within our said Realmes of *England* and *Ireland*, and the Domynion of *Wales*, and Port and Town of *Barwicke*, as to you shall be thought most convenient, whereby the Goodnes or Badnes of the said Tobacco may be discerned, and the Deceipte and Abuse of our Subjects may be prevented

prevented, and yet the Sale and Utterance of that which is wholsome and fit for Use may not be hindred or impayred to the Hurte or Prejudice of the Marchants or Retaylors of the same Tobacco; and the same Ordinances, Orders, and Directions to returne and certifie into our Court of Chauncerie, to the end that the same may be there inrolled; which Ordinances and Constitutions so certefied and enrolled, We doe hereby, for Us, our Heires and Successors, straitlie charge and commaunde to be inviolable observed and put in Execution, soe as the same be not repugnant, or contrary to the Laws or Statutes of this Realme. And therefore, Wee do hereby will and require you to attend the Execution of this our Commission, and to make Returne of your whole Proceedings thereupon, under your Hands and Seals in Writing, together with this our Commission, into our said Court of Chauncerie soe soon as you convenientlie may, and at the furthest before the *two and twentieth Day of Aprill*, now next cominge. And, that our Pleasure herein may be the better effected, We do hereby requyer and commaund the *Lord Chancellor of England*, or *Lord Keeper of the Greate Seale of England*, for the Tyme beinge, the *Maister of the Rolles* for the Tyme being, and all other our Officers of the said Courte, to whome yt shall appertayne, that, immediatelie uppon the Retorne of this our Commission, and of such Ordinances and Constitutions as by you our said Commissioners shall be conceived and sett downe by Vertue hereof, unto the said Courte of Chauncerie, that they, or some of them, do forthwith with all Care and Diligence cause the saide Commission and Ordinances to be there inrolled, to the End the same may be the better put in Execution.

In Witnes whereof, &c.

Witnes our selfe at *Westminster*, the Seaventh Day of Aprill.

Par Breve de Privato Sigillo.

A PROCLAMATION *for the apprehending of* CAPTAIN NORTH,
and Others.

[Rymer's Fœdera, Tom XVII. Page 215. A. D. 1620.]

WHEREAS Roger North, Esquire, with divers others of our Subjectes, as Adventurers for the intended Plantation and settling of Trade and Commerce in those Partes of the Contynent of *America*, nere and about the *River of Amazonas*, which were presupposed not to be under the Obedience and Government of any other Christian Prince or State, hath secretly conveyed himself away, and

and hath disloyally precipitated and imbarqued himself, and his Fellowes, and sodenly sett to Sea, with a pretended Purpose to prosecute that Designe, contrarie to our Roiall Pleasure and Commaundement, expressely signified unto him by one of our Principal Secretaries, our Admyral of England having also refused him Leave to goe; Wee then having, out of weightie Considerations and Reason of State, and upon the deliberate Advice of our Privy Councell, resolved to suspend and restraine the said Plantation and Voiage for a Tyme, and having thereupon straightly charged and commaunded him the said *North* upon his duty and Allegiance, that he and his Associates should for a while surcease their Provisions, and should stay themselves and their Shipping which they had alreddy prepared, until our further Pleasure should be made knowne unto them; Wee have therefore held it fitt hereby to make a publique Declaration, of this our utter Mislike and Disavowment of this their rash, undutiful, and insolent Attempt, and doe hereby revoak, annihilate and dissannull all Power, Authority, Jurisdiction, or Commission whatsoever, which he the said *North*, or any of his Complices, may pretend in any Sort to derive and hould from or under Us; and do hereby charg, as well him the said *North*, as all his Companions and Followers, immediately, upon the first Notice that shall be given him or them of this our Pleasure, that they shall make their speedy Retorne directly Home, with all their Shipping and Munytions into this our Kingdom of England, assoone as the Windes and Weather shall permit them, and being here arrived, shall forthwith present themselves in Person unto some of our Privy Councell, under Paine of being hereby declared guilty of high Contempt and Rebellion, in Case they shall disobey this our expresse Commaundment. And We do further hereby straitly require and charg, as well the Governors, as all other the Partenors and Adventurers any waies concerned or interessed as Members of the Company and Incorporation intended for that Plantation, as all other Merchantes, Captaines, Masters, and Officers of Shippes, Sailors, Marriners, and all other our loving Subjectes whatsoever, that they shall in no fort aid or abett, nor comfort him the said *North*, nor any of his Complices, with any Supply of Shippinge, Men, Money, Munytion, Viſtualls, Merchandize, or other Commodities or Necessaries whatsoever, but that as well all and everie our Admiralls, Vice-Admiralls, and other our Officers and Commaunders of our Shippes or Pinnaces, as all other Captaines and Masters of any of our Subjects Shippes and Vessells whatsoever, that shall happen to meet with him the said *North*, or any of his Company at Sea, or in any Harbour, Port, or Creeke whatsoever, shall in our Name attach, seize, and summon him or them, and their Shipping, to retorne immediately Home, and shall forthwith bring them back to some of our Portes of this our Kingdom, and there comit them and their Shippes to the Charg of such our Officers as it shall respectively appertaine unto, until We having received information of their such Retorne, which We will expect from our said Officers who shal so stand in-

charged

charged with them, shall give further Order concerning them, as well their Persons as their Shipping and Munition, wherein we do expressly charge and commaund, as well him the said *North*, and all his Company, Abettors and Adherentes, and all the Rest of that Company and Incorporation intended, as all and everie other our Officers by Land and Sea, and all other Capitaines, Masters and Marriners in any of our Subjectes Shippes, and all other our loving Subjectes whatsoever, faithfully, diligently and carefully to observe, do, and performe in their severall Qualities and Places, that which we have hereby required of them according to everie of their Duties, Charges, and Employments, uppon Pain of our high Displeasure and Indignation, and as they will answer the contrary at their uttermost Perill.

Witness our selfe at *Westminster*, the Fifteenth Day of May.

A PROCLAMATION *for the Restraint of the disordered Trading of Tobacco.*

[Rymer's Fœd. Tom. 17. Page 233. A. D. 1620.]

WHEREAS We, out of the dislike we had of the Use of Tobacco, tending to a generall and new Corruption both of Men's Bodies and Manners, and yet nevertheles houlding it of the two, more tollerable that the same should be ymported amongst many other Vanities and Superfluities which came beyond the Seas, then permitted to be planted here within this Realm, thereby to abuse and misimply the Soile of this fruitfull Kingdome; did, by our Proclamation, dated the *thirtieth Day of December nowe last past*, straightly charg and commaund, all, and euerie Person and Persons, of what Degree or Condition soever, that they, or any of them; by themselves their Servantes, Workemen or Laborers, should not, from and after the *Second Day of February then next following*, presume to sowe, set, or plant, or cause to be sowed, set, or planted, within this our Realme of *England*, and the Dominion of *Wales*, any Sort or Kinde of Tobacco whatsoever, and that they, or any of them, should not maintaine or conteynue any old Stockes or Plantes of Tobacco formerly sowed or planted, but shold forthwith utterly destroy and roote up the same: And whereas, We have taken it into our Roiall Consideration, as well the great Waste and Consumption of the Wealth of our Kingdomes, as the endangering and impairing of the Health of our Subjectes, by the inordinate Liberty and Abuse of Tobacco, being a Weed of no necessarie Use, and but of late Yeares brought into
our

our Dominions ; and being credibly informed that divers Tobacconists, and other mean Persons, taking upon them to trade and adventure into the Parties beyond the Seas of Tobacco, to the intent to forestall and ingross the said Commodity upon unmerchantlike Condition, doe transport much Gould, Bullion, and Coyne out of our Kingdomes, and doe barter and vent the Staple Commodities of our Realme, at under Values, to the Intent to buy Tobacco, to the Discreditt of our native Merchandizes, and extream inhanfing of the Rates and Prizes of Tobacco, and the great Disturbance and Decay of the Trade of the orderly and good Merchants ; We, taking the above Premises into our Princely Consideration, and being desirous to put a Remedy to the said Inconveniences, which we have long endeavoured, though with less Effect then we expected, have resolved to make some further Redress by restraining the disordered Traffique in that Commodity, and reducing it into the Handes of able Persons, that may manage the same without Inconvenience, whereby the generall Abuse may be taken away, and the necessarie Use, if any be, may be preserved ; Wee doe therefore, not only by these Presents, straitly charge and commaund, that our said Proclamation restraining the Planting of Tobacco, be in euerie Respect observed and performed, according to the Tenor thereof, upon the Penalties therein contained, but also that no Person or Persons whatsoever, Englishmen, Denizens, or Strangers, other then such as shal be authorized and appointed thereunto by Letters-patents, under our Great Seal of *England*, doe import, or cause to be imported, into this our Realme of *England*, or Dominion of *Wales*, or any Part of them, or either of them, any Tobacco, of what Nature, Kinde, or Sorte, soever, after the *tenth Day of July next ensueing the Date hereof*, from any the Parties beyond the Seas, upon Paine of Forfeiture to Us, of all such Tobacco soe to be imported contrarie to the true Meaneing of theis Presents, and upon such further Paines and Penalties, as by the Laws and Statutes of this Realme, or by the Severity or Censure of our Court of Starrchamber, may be inflicted upon the Offendors for Contempt of this our Royall Commaunde : And likewise, that no Master, Merchant, or Purser of any Shipp, or other Vessell, do at any tyme or tymes, after the said *tenth Day of July*, presume or attempt to take into their Ships, to be imported into this Realme and Domynion, or either of them, any Sort, Manner, or Quantity of Tobacco whatsoever, but only to the Use of such Person or Persons, as shall be so as aforesaid, authorized and appointed under our Great Seal of *England*, to import the same, and which shall be by them, their Deputies, Servants, or Factors deliuered to the said Masters, Merchants, or Purfers of Ships, to be imported, upon the Paines and Penalties aforesaid. And, to the Intent that no such Offender maie colour or hide his Offence and Contempt, by shadowing the Tobacco to be brought in, contrarie to our Pleasure before expressed, under Pretence of former Store, we do hereby signify and declare our Will and Pleasure, and do straitly charge and commaund, that all and euerie

Person

Person and Persons, which now haue, or hereafter shall haue, within, or nere the Cities of *London* or *Westminster*, in their Hands, Custody, or Possession, any Tobacco heretofore imported, or hereafter, and before the said *tenth Day of July* now next ensuing, to be imported into this Realme, amounting to the Quantity of Tenn Poundes Weight, or above, shall, before the said *tenth Daie of July* now next ensuing, bring the same unto the House commonly called the Hawke and Feasant, situate in Cornehill, in the said City of *London*, and shall cause the same to be there sealed and marked by such Person and Persons, and with such Marke or Seale, as by Us, shall be for that Purpose assigned and appoynted, without giving any Fee or Allowance, for the said Seal or Mark. And to the Intent that the Tobacco to be hereafter imported, by Warrant or Authority under our Great Seal, maie be known and distinguished, from such as shall be secretly and without Warrant brought in by Stealth, we do likewise charg and commaund, that all such Tobacco as from and after the said *tenth Day of July*, shal be imported by Force of any such Warrant and Authority, and none other except the old Store aforesaid, to be sealed as afore-said, shall be sealed and marked, with such Seal and Mark as afore-said, and we do hereby prohibit all Person and Persons, from, and after the said *tenth Day of July*, to buy, utter, sell, or vent, within the said Kingdome and Domyinion, or either of them, any Roll, or other gros Quantitie of Tobacco whatsoever, before the same be so as afore-said marked or sealed, upon Pain of Forfeiture unto Us, of all such Tobacco so bought, uttered, sould, or vented, contrarie to the Intent of theis Presents, and upon such further Penalties, as by our Lawes, or by the Court of Starrchamber, may be inflicted upon the Offendors as Contemnners of our Royall Comand. And, for the better Execution of this our Pleasure, we do hereby commaund all and singuler Customers, Comptrollers, Searchers, Waiters, and other Officers attending in all and euerie the Portes, Creekes, or Places of lading or unlading, for the takeing, collecting, or receiving of any our Customes, Subsidies, or other Dutyes, to take notice of this our Pleasure; and we do hereby comaund and give Power and Authoritie unto them, and euerie, or any of them, from Tyme to Tyme, as well to search any Shipp, or other Vessell, or Bottom riding or lying within any Port, Haven, or Creeke, within their several Charg and Place of Attendance, for all Tobacco imported contrarie to the Intent of this our Proclamation, and the same being found, to seize and take to our Use, as also to take Notice of the Names, and apprehend the Bringers and Buyers of the same, to the End, they may receive condign Punishment for their Offences, upon Pain that euerie of the said Officers, which shall be found negligent, remisse, or corrupt therein, shall loose his Place and Entertainment, and undergo such Pains and Penalties, as by our Lawes, or the Censure of our said Court of Starrchamber, maie be inflicted upon them for the same. And likewise we do hereby will, ordaine, and appoint, that it shall, and may be lawfull,

to, and for such Person and Persons, as shall be so as aforesaid authorized and appointed, by Letters-patents, under our Great Seal, to import Tobacco, by himself, or themselves, or his, or their Deputy or Deputies, with a lawfull Officer, to enter into any suspected Places, at lawfull and convenient tymes, and there search, discover, and fynd out, any Tobacco imported, uttered, fould, or vented, not marked or sealed as aforesaid, contrarie to the meaning hereof and all such Tobacco soe found, to feize, take away, and dispose of, and the Owner thereof, or in whose Custodie the same shall be found, to informe and complain of, to the End they may receive Punishment according to our Pleasure before herein declared. And further, We do by theis Presents, will and require, all, and singular Majors, Sheriffes, Justices of Peace, Bailiffes, Constables, Headboroughes, Customers, Comptrollers, Searchers, Waiters, and all other our Officers and Ministers whatsoever, that they, and euerie of them, in their severall Places and Offices, be diligent and attendant in the the Execution of this our Proclamation, and aiding and assisting unto such Person and Persons, and his, and their Deputies and Assignes, as we shall so as aforesaid authorize and appoint to import Tobacco, as well in Search for Discoverie of any Act or Actes to be performed contrarie to the Intent of theis Presents, as otherwise in the doing or executing of any Matter or Thing, for the Accomplishment of this our Roiall Comaund. And lastly, our Will and Pleasure is, and we do hereby charg and comaund our Attorney Generall for the Tyme being, to informe against such Persons, in our Court of Starchamber from Tyme to Tyme, whose Contempt and Disobedience against this our Roiall Comaund, shall meritt the Censure of that Court.

Witness our selfe at *Greenewich*, the nyne and twentieth Day of *June*.

LETTER from the Rev. Mr. JOHN ROBINSON, to those of his
Congregation who sailed for America, upon parting with them.

[New-England's Memorial, Edit. 1669. P. 6. A. D. 1620.]

LOVING CHRISTIAN FRIENDS, I do heartily, and in the Lord salute you, as being those with whom I am present in my best Affections, and most earnest Longings after you, though I be constrained for awhile to be bodily absent from

from you : I say, constrained; God knowing how willingly and much rather than otherwise, I would have born my Part with you in this first Brunt, were I not by strong Necessity held back for the present. Make Account of me in the mean Time, as a Man divided in myself, with great Pain, and (as natural Bonds set aside) having my better part with you : And although I doubt not, but in your Godly Wifdomes, you both foresee and resolve upon that which concerneth your present State and Condition, both severally and jointly ; yet I thought it but my Duty to adde some further Spur of Provocation unto them who run already, if not because you need it, yet because I owe it in Love and Duty. And first, as we are daily to renew our Repentance with our God, especially for our Sins known, and generally for our unknown Trespases : so doth the Lord call us in a singular manner, upon Occasions of such Difficulty and Danger as lieth upon you, to a both narrow Search, and careful Reformation of your Wayes in his Sight, lest he calling to Remembrance our Sins forgotten by us, or unrepented of, take Advantage against us, and in Judgement leave us to be swallowed up in one Danger or other : whereas on the contrary Sin being taken away by earnest Repentance, and the Pardon thereof from the Lord sealed up to a Man's Conscience by his Spirit, great shall be his Security and Peace in all Dangers, sweet his Comforts in all Distresses, with happy Deliverance from all Evil, whether in Life or Death. Now next after this heavenly Peace with God and our own Consciences, we are carefully to provide for Peace with all Men, what in us lieth, especially with our Associates ; and for that, Watchfulness must be had that we neither at all in our selves do give, nor easily take, Offence being given by others. *Woe be to the World for Offences* ; for although it be necessary, considering the Malice of Satan, and Man's Corruption, *that Offences come*, yet, *Woe unto the Man*, or Woman either, *by whom the Offence cometh*, saith Christ, *Matt. xviii. 7.* and if Offences in the unseasonable Use of Things in themselves indifferent, be more to be feared than Death itself, as the Apostle teacheth, *1 Cor. ix. 15.* how much more in Things simply Evil, in which neither Honour of God, nor Love of Man, is thought worthy to be regarded ; neither yet is it sufficient that we keep ourselves by the Grace of God from giving of Offence, except withall we be armed against the taking of them when they are given by others ; for how imperfect and lame is the Work of Grace in that Person, who wants Charity *to cover a Multitude of Offences?* as the Scripture speaks. Neither are you to be exhorted to this Grace onely upon the common Grounds of Christianity, which are, that Persons ready to take Offence, either want Charity to cover Offences, or Wifdome duly to weigh humane Frailties ; or lastly, are gross though close Hypocrites, as Christ our Lord teacheth, *Matt. vii. 1, 2, 3.* as indeed in my own Experience, few or none have been found which sooner give Offence, than such as easily take it ; neither have they ever proved found and profitable Members in Societies, who have nourished this *touchy Humour*. But be-

sides these, there are divers Motives provoking you above others to great Care and Conscience this way; as first, there are many of Strangers as to the Persons, so to the Infirmities one of another, and so stand in Need of Watchfulness this way, lest when such things fall out in Men and Women as you expected not, you be inordinately affected with them, which doth require at your hands much Wisdom and Charity for the covering and preventing of incident Offences that way. And lastly, your intended Course of Civil Community will minister continual Occasion of Offence, and will be as Fewel for that Fire, except you diligently quench it with *brotherly Forbearance*: And if taking offence causelessly or easily at Men's Doings, be so carefully to be avoided, how much more heed is to be taken, that we take not Offence at God himself? Which yet we certainly do, so oft as we do murmur at his Providence in our Crosses, or bear impatiently such Afflictions, as wherewith he is pleased to visit us. Store up therefore Patience against the evil day; without which we take Offence at the Lord himself, in his holy and just Works. A fourth Thing there is carefully to be provided for; *viz.* That with your common Employments, you join common Affections, truly bent upon the General Good, avoiding as a deadly Plague of your both common and special Comforts, all Retiredness of Minde for proper Advantage; and all singularly affected every Manner of Way, let every Man repress in himself, and the whole Body in each Person, as so many Rebels against the common Good, all *private Respects of Mens selves*, not forcing with the general Convenience. And as Men are careful not to have a new House shaken with any Violence, before it be well settled, and the Parts firmly knit; so be you, I beseech you, Brethren, much more careful that the House of God, (which you are, and are to be) be not shaken with unnecessary Novelties, or other Oppositions, at the first settling thereof.

Lastly, Whereas you are to become a Body Politick, using amongst yourselves Civil Government, and are not furnished with Persons of special Eminency above the Rest, to be chosen by you into Office of Government; Let your Wisdom and Godliness appear not only in choosing such Persons as do intirely love, and will promote the common Good; but also in yielding unto them all due Honour and Obedience in their lawful Administrations, not beholding in them the Ordinarieness of their Persons, but God's Ordinance for your Good: not being like the foolish Multitude, who more honour the gay Coat, than either the virtuous Minde of the Man, or the glorious Ordinance of the Lord: but you know better Things, and that the Image of the Lord's Power and Authority which the Magistrate beareth is honourable, in how mean Persons soever; and this Duty you may the more willingly, and ought the more conscionably to perform, because you are (at least for the present) to have them for your ordinary Governours, which yourselves shall make choice of for that Work.

Sundry

Sundry Things of Importance I could put you in Mind of, and of those before mentioned in more Words; but I will not so far wrong your Godly Mindes, as to think you heedless of these Things, there being also divers amongst you, so well able both to admonish themselves and others of what concerneth them. These few Things therefore, and the same in few Words, I do earnestly commend unto your Care and Conscience, joyning therewith, my daily and incessant Prayers unto the Lord, That He who hath made the Heavens, and the Earth, and Sea, and all Rivers of Waters, and whose Providence is over all his Works, especially over all his dear Children for Good, would so guide and guard you in your Wayes, as inwardly by his Spirit, so outwardly by the Hand of his Power, as that both you, and we also for and with you, may have after-matter of praising his Name all the Dayes of your and our Lives. Fare you well in Him in whom you trust, and in whom I rest.

An unfeigned Well-wisher of your happy Success in this hopeful Voyage,

JOHN ROBINSON.

ORDER OF COUNCIL, for a Patent for NORTH VIRGINIA.

To Sir Thomas Coventry, Knight, his Majesties Solicitor Generall.

[Second Part, Gorges Hist. of America, Edit. 1658; Page 21.]

WHEREAS it is thought fit, that a Patent of Incorporation be granted to the Adventurers of the Northern Colonie in *Virginia*, to containe the like Liberties, Priviledges, Power, Authorities, Lands, and all other Things within their Limits, (*viz.*) between the Degrees of 40 and 48, as were heretofore granted to the Company in *Virginia*, excepting onely, that whereas the said Company have a Freedom of Custome and Subsidie for 21 Yeares, and of Impositions for ever, this New Company is to be free of Custome and Subsidie for the like Term of Yeares, and of Impositions after so long a Time as his Majesty shall please to grant unto them; this shall be therefore to will and require you to prepare a Patent for his Majesties Royall Signature to the Purpose aforesaid, leaving a Blank for the Time of Freedom from Imposition to be supplied, and put in by his Majesty, for which this shall be your Warrant, dated 23, July, 1620.

Signed by the
L. Chancellor,
L. Privy Seal,
Earl of Arundell,
Mr. Secretary Calvert,
Master of the Rolls,

Lord Digby,
Mr. Comptroler,
Mr. Secretary Naunton,
Master of the Wards.

*The MEERSTEADS and GARDEN-PLOTES of those which came first,
layd out.*

[Plym. Col. Records, Lib. A. fol. 1. A. D. 1620.]

The North Side.

The Streete.

The South Side.

Peeter Brown.
John Goodman.
Mr. Brewster.

High Way.

John Billington.
Mr. Ifaak Allerton.
Francis Cooke.
Edward Winflow.

Fol. 4. *The Falles of their Groundes which came first over in the Mayfloure, accord-
ing as their Lotes were cast. 1623.*

These lye on the South Side of the Brooke to the baywards.	Robert Cochman,	1	The Number of Akers to one.
	Mr. William Brewster,	6	
	William Bradford,	3	
	Richard Gardener,	1	
	Francis Cooke,	2	
	George Soule,	1	
	Mr. Ifaak Alerton,	7	
	John Billington,	3	
	Peter Browen,	1	
	Samuel Fuller,	2	
	Joseph Rogers,	2	

These contain 29 Akers.

Fol. 4. *The Falles of their Grounds, which first came over in the Mayfloure, according as their Lotes were cast. 1623.*

	John Howland,	4
These lye on the South	Stephen Hobkins,	6
Side of the Brooke	Edward,	1
to the woodward opposite	Edward,	1
to the former.	Gilbard Winflow,	1
	Samuell Fuller Juneor,	3

These containe 16 Akers besids Hobamak's Ground, which lyeth betweene Jo. Howland's and Hobkinfes.

This 5 akers lyeth behind the forte to the little ponde.	William White,	5
	Edward Winflow,	4
	Richard Warren,	2
	John Goodman,	
These lye one the north Side of the Towne nexte adjoining to their Gardens which came in the Fortune.	John Crackston,	
	John Alden,	
	Marie Hilton,	
	Captin Myles Standish,	2
	Francis Eaton,	4
	Henerie Sampson,	1
	Humillitie Cooper,	1

Fol. 6. *The Fales of their Grounds, which came in the Fortune, according as their Lotes were cast. 1623.*

These lye to the Sea, Eastward.

William Hilton,	1
John Winslow,	1
William Coner,	1
John Adams,	1
William Tench, & }	2
John Cannon, }	

Carried over, 6 Akers.

These lye beyond the first Brooke, to the Wood, Westward.

William Wright, & William Pitt,	2
Robert Hickes,	1
Thomas Prence,	1
Steven Dean,	1
Moyfes Simonson, & }	2
Philippe de la Noye, }	
Edward Bompas,	1

Carried over, 8 Akers.

*These following lye beyond the
2. Brooke.*

Brought over,	6
Hugh Statie,	1
William Beale, & } Thomas Cushman, }	2
Austen Nicolas,	1
Widow Foord,	4

14 Akers.

*These lye beyond the first Brooke, to
the Wood, Westward.*

Brought over,	8
Clemente Briggess,	1
James Steward,	1
William Palmer,	2
Jonathan Brewster,	1
Bennet Morgan,	1
Thomas Flauell	2
(His Squ),	
Thomas Morton,	1
William Bassite,	2

19 Akers.

Fol. 10. *The Fales of their Grounds, which came over in the Shipec called the Anne,
according as they were cast. 1623.*

James Rande,	1
<i>These following lye beyond</i>	
Edmond Flood,	1
Christopher Connant,	1
Francis Cooke,	4

*These but against the Swampe and
Reede Ponde.*

George Moreton, & } Experience Michell, }	8
Christian Penn,	1
Thomas Morton, junior,	1
William Eilton's Wife } & 2 Children, }	3

20 Akers.

These to the Sea, Eastward.

Francis Spragge,	3
<i>the Brooke, to Strawberie-Hill.</i>	
Edward Burcher,	2
John Jenings,	5
Goodwife Flauell,	1
Manasseh & John Fance,	2

*This goeth in with a Corner by the
Ponde.*

Alice Bradford,	1
Robert Hickes, his Wife and } Children, }	4
Briggett Fuller,	1
Ellen Newton,	1
Pacience and Fear Brewster, } with Robert Long, }	3
William Heard,	1
Mrs. Standish,	1

25 Akers.

These

These following lye on Towne, towards the other Side of the Eel-River.

Marie Bucket, adjoining } to Joseph Rogers, } Mr. Ouldham, and those } joined with him, }	1 10	Robart Rattliffe, beyond the } Swampie and stonie } Ground,	4
Cudbart Cudbartson,	6	<i>These butt against Hobs-Hole.</i>	
Anthony Anable,	4		
Thomas Tilden,	3	Nicolas Snow,	1
Richard Waren,	6	Anthony Dixe,	2
Bangs,	4	Mr. Perres—2. Servants, Ralfe Walen,	
<hr/> 34 Akers. <hr/>		<hr/> 7 Akers. <hr/>	

South Side.

Stephen Tracy, three Acres,	3
Tho. Clarke, one Acre,	1
Robert Bartlett, one Acre,	1
<hr/> 5 Acres. <hr/>	

North Side.

Edw. Holman, 1 Acre,	1
Frances, Wife to William Palmer,	1
Jofuah Prat, & Phineas Prat,	2
<hr/> 4 Acres. <hr/>	

Sexta decima Pars PATEN. *de Anno Regni Regis* JACOBI, *Angliae, &c.*

Decimo Octavo.

D. Con. Ludovico Duci LENOX, *et al. Consiliar de Plymouth, con. new Colon de*
NEW-ENGLAND, *sibi et Successorib.*

JAMES, by the Grace of God, King of England, Scotland, France, and Ireland,
Defender of the Faith, &c. to all whom these Presents shall come, *Greeting*,
Whereas, upon the humble Petition of divers of our well disposed Subjects, that
intended to make severall Plantations in the Parts of *America*, between the Degrees
of thirty-foure and flourty-five; We according to our princely Inclination, favouring
much their worthy Disposition, in Hope thereby to advance the in Largement of
Christian Religion, to the Glory of God Almighty, as also by that Meanes to
streach out the Bounds of our Dominions, and to replenish those Deserts with
People

People governed by Lawes and Magistrates, for the peaceable Commerce of all, that in time to come shall have occasion to traffique into those Territories, granted unto Sir *Thomas Gates*, Sir *George Somers*, Knights, *Thomas Hamon*, and *Raleigh Gilbert*, Esquires, and of their Associates, for the more speedy Accomplishment thereof, by our Letters-Patent, bearing Date the Tenth Day of Aprill, in the Fourth Year of our Reign of *England, France, and Ireland*, and of *Scotland* the fourtieth, free Liberty to divide themselves into two severall Collonyes; the one called the first Collonye, to be undertaken and advanced by certain Knights, Gentlemen, and Merchants, in and about our Cyty of London; the other called the Second Collonye, to be undertaken and advanced by certaine Knights, Gentlemen, and Merchants, and their Associates, in and about our Citties of *Bristoll, Exon*, and our Towne of *Plymouth*, and other Places, as in and by our said Letters-Patents, amongst other Things more att large it doth and may appeare. And whereas, since that Time, upon the humble Petition of the said Adventurers and Planters of the said first Collonye, We have been graciously pleased to make them one distinct and entire Body by themselves, giving unto them their distinct Lymitts and Bounds, and have upon their like humble Request, granted unto them divers Liberties, Priveliges, Enlargements, and Immunityes, as in and by our severall Letters-Patents it doth and may appeare. Now forasmuch as We have been in like Manner humbly petitioned unto by our trusty and well beloved Servant, Sir *ferdinando Gorges*, Knight, Captain of our ffort and Island by *Plymouth*, and by certain the principal Knights and Gentlemen Adventurers of the said Second Collonye, and by divers other Persons of Quality, who now intend to be their Associates, divers of which have been at great and extraordinary Charge, and sustained many Losses in seeking and discovering a Place fitt and convenient to lay the Foundation of a hopeful Plantation, and have divers Years past by God's Assistance, and their own Endeavours, taken actual Possession of the Continent hereafter mentioned, in our Name and to our Use, as Sovereign Lord thereof, and have settled already some of our People in Places agreeable to their Desires in those Parts, and in Confidence of prosperous Success therein, by the Continuance of God's Devine Blessing, and our Royall Permission, have resolved in a more plentiful and effectual Manner to prosecute the same, and to that Purpose and Intent have desired of Us, for their better Encouragement and Satisfaction herein, and that they may avoide all Confusion, Questions, or Differences between themselves, and those of the said first Collonye, We would likewise be graciously pleased to make certaine Adventurers, intending to erect and establish fishery, Trade, and Plantacion, within the Territories, Precincts, and Lymitts of the said second Colony, and their Successors, one severall distinct and entire Body, and to grant unto them, such Estate, Liberties, Priveliges, Enlargements, and Immunityes there, as in these our Letters-Patents hereafter particularly expressed and declared. And forasmuch as We have been certainly
given

given to understand by divers of our good Subjects, that have for these many Yeares past frequented those Coasts and Territories, between the Degrees of Fourty and Forty-Eight, that there is noe other the Subjects of any Christian King or State, by any Authority from their Sovereignes, Lords, or Princes, actually in Possession of any of the said Lands or Precincts, whereby any Right, Claim, Interest, or Title, may, might, or ought by that Meanes accrue, belong, or appertaine unto them, or any of them. And also for that We have been further given certainly to knowe, that within these late Yeares there hath by God's Visitation raigned a wonderfull Plague, together with many horrible Slaughters, and Murthers, committed amongst the Sauages and brutish People there, heertofore inhabiting, in a Manner to the utter Destruction, Devastacion, and Depopulation of that whole Territorye, so that there is not left for many Leagues together in a Manner, any that doe claime or challenge any Kind of Interests therein, nor any other Superiour Lord or Souveraigne to make Claime thereunto, whereby We in our Judgment are perswaded and satisfied that the appointed Time is come in which Almighty God in his great Goodnes and Bountie towards Us and our People, hath thought fit and determined, that those large and goodly Territories, deserted as it were by their naturall Inhabitants, should be possessed and enjoyed by such of our Subjects and People as heertofore have and hereafter shall by his Mercie and Favour, and by his Powerfull Arme, be directed and conducted thither. In Contemplacion and serious Consideracion whereof, Wee have thought it fit according to our Kingly Duty, soe much as in Us lyeth, to second and followe God's sacred Will, rendering reverend Thanks to his Divine Majestie for his gracious favour in laying open and revealing the same unto us, before any other Christian Prince or State, by which Meanes without Offence, and as We trust to his Glory, Wee may with Boldnes goe on to the settling of soe hopefull a Work, which tendeth to the reducing and Conversion of such Sauages as remaine wandering in Desolacion and Distress, to Civil Societie and Christian Religion, to the Inlargement of our own Dominions, and the Advancement of the Fortunes of such of our good Subjects as shall willingly intresse themselves in the said Employment, to whom We cannot but give singular Commendations for their soe worthy Intention and Enterprize; Wee therefore, of our especiall Grace, mere Motion, and certaine Knowledge, by the Advice of the Lords and others of our Priuy Councell have for Us, our Heys and Successors, graunted, ordained, and established, and in and by these Presents, Do for Us, our Heirs and Successors, grant, ordaine and establish, that all that Circuit, Continent, Precincts, and Limitts in America, lying and being in Breadth from Fourty Degrees of Northernly Latitude, from the Equinoctiall Line, to Forty-eight Degrees of the said Northernly Latitude, and in Length by all the Breadth aforesaid throughout the Maine Land, from Sea to Sea, with all the Seas, Rivers, Islands, Creekes, Inlets, Ports, and Havens, within the Degrees, Precincts, and Limitts of the said Latitude and Longitude,

shall be the Limitts, and Bounds, and Precincts of the second Collony : And to the End that the said Territoryes may forever hereafter be more particularly and certainly known and distinguished, our Will and Pleasure is, that the same shall from henceforth be nominated, termed, and called by the Name of New-England, in America ; and by that Name of New-England in America, the said Circuit, Precinct, Limitt, Continent, Islands, and Places in America, aforesaid, We do by these Presents, for Us, our Heyrs and Successors, name, call, erect, found and establish, and by that Name to have Continuance for ever. And for the better Plantacion, ruling, and governing of the aforesaid New-England, in America, We will, ordaine, constitute, assigne, limitt and appoint, and for Us, our Heyrs and Successors, Wee, by the Advice of the Lords and others of the said priuie Councill, do by these Presents ordaine, constitute, limett, and appoint, that from henceforth, there shall be for ever hereafter, in our Towne of Plymouth, in the County of Devon, one Body politicque and corporate, which shall have perpetuall Succession, which shall consist of the Number of fourtie Persons, and no more, which shall be, and shall be called and knowne by the Name the Councill established at Plymouth, in the County of Devon for the planting, ruling, ordering, and governing of New-England, in America ; and for that Purpose Wee have, at and by the Nomination and Request of the said Petitioners, granted, ordained, established, and confirmed ; and by these Presents, for Us, our Heyres and Successors, doe grant, ordaine, establish, and confirme, our right trusty and right well beloved Cofins and Councillors Lodowick, Duke of Lenox, Lord Steward of our Houshold, George Lord Marques Buckingham, our High Admiral of England, James Marques Hamilton, William Earle of Pembroke, Lord Chamberlaine of our Houshold, Thomas Earl of Arundel, and our right trusty and right well beloved Cofin, William Earl of Bathe, and right trusty and right well beloved Cofin and Councillor, Henry Earle of Southampton, and our right trusty and right well beloved Cousins, William Earle of Salisbury, and Robert Earle of Warwick, and our right trusty and well beloved John Viscount Haddington, and our right trusty and well beloved Councillor Edward Lord Zouch, Lord Warden of our Cinque Ports, and our trusty and well beloved Edmond Lord Sheffield, Edward Lord Gorges, and our well beloved Sir Edward Seymour, Knight and Barronett, Sir Robert Manselle, Sir Edward Zouch, our Knight Marshall, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir Francis Popham, Sir John Brook, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecombe, Sir Allen Apsley, Sir Warwick Hale, Sir Richard Catchmay, Sir John Bouchier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompeffon, and Sir Thomas Wroth, Knights ; and our well beloved Matthew Suttcliffe, Dean of Exeter, Robert Heath, Esq; Recorder of our Cittie of London, Henry Bouchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquires, to be in and by these Presents ; We

do

do appoint them to be the first moderne and present Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New-England, in America; and that they, and the Survuiours of them, and such as the Survuiours and Survuior of them shall, from tyme to tyme elect, and chuse, to make up the aforefaid Number of fourtie Persons, when, and as often as any of them, or any of their Suceffors shall happen to decease, or to be removed from being of the said Councill, shall be in, and by these Presents, incorporated to have a perpetual Succession for ever, in Deed, Fact, and Name, and shall be one Bodye corporate and politicque; and that those, and such said Persons, and their Suceffors, and such as shall be elected and chosen to succeed them as aforefaid, shall be, and by these Pefents are, and be incorporated, named, and called by the Name of the Councill established at Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America; and them the said Duke of Lenox, Marques Buckingham, Marques Hamilton, Earle of Pembroke, Earle of Arundell, Earle of Bathe, Earle of Southampton, Earle of Salisbury, Earle of Warwick, Viscount Haddington, Lord Zouch, Lord Sheffield, Lord Gorges, Sir Edward Seymour, Sir Robert Mansell, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir ffrancis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgcombe, Sir Allen Apley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bouchier, Sir Nathaniell Rich, Sir Edward Giles, Sir Giles Mompeffon, Sir Thomas Wroth, Knights; Matthew Suttcliffe, Robert Heath, Henry Bouchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Haymon, and John Argall, Esqrs. and their Suceffors, one Body corporate and politick, in Deed and Name, by the Name of the Councell established att Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America. Wee do by these Presents, for Us, our Heyres and Suceffors, really and fully incorporate, erect, ordaine, name, constitute, and establish, and that by the same Name of the said Councill, they and their Suceffors for ever hereafter be incorporated, named, and called, and shall by the same Name have perpetual Succession. And further, Wee do hereby for Us, our Heires and Suceffors, grant unto the said Councill established att Plymouth, that they and their Suceffors, by the same Name, be and shall be, and shall continue Persons able and capable in the Law, from time to time, and shall by that Name, of Councill aforefaid, have full Power and Authority, and lawful Capacity and Hability, as well to purchase, take, hold, receive, enjoy, and to have, and their Suceffors for ever, any Manors, Lands, Tenements, Rents, Royalties, Privileges, Immunities, Reversions, Annuities, Hereditaments, Goods and Chattles whatsoever, of or from Us, our Heirs and Suceffors, and of or from any other Person or Persons whatsoever, as well in and within this our Realme, of England,

as in and within any other Place or Places whatsoever or wheresoever; and the same Manors, Lands, Tenements, and Hereditaments, Goods or Chattles, or any of them, by the same Name to alien and sell, or to do, execute, ordaine and performe all other Matters and Things whatsoever to the said Incorporation and Plantation concerning and belonging. And further, our Will and Pleasure is, that that the said Councill, for the time being, and their Successors, shall have full Power and lawful Authority, by the Name aforesaid, to sue, and be sued; implead, and to be impleaded; answer, and to be answered, unto all Manner of Courts and Places that now are, or hereafter shall be, within this our Realme and elsewhere, as well temporal as spiritual, in all Manner of Suits and Matters whatsoever, and of what Nature or Kinde soever such Suite or Action be or shall be. And our Will and Pleasure is, that the said ffourty Persons, or the greater Number of them, shall and may, from time to time, and at any time hereafter, at their owne Will and Pleasure, according to the Laws, Ordinances, and Orders of or by them, or by the greater Part of them, hereafter in Manner and forme in these Presents mentioned, to be agreed upon, to elect and choose amongst themselves one of the said ffourty Persons for the Time being, to be President of the said Councill, which President soe elected and chosen, Wee will, shall continue and be President of the said Councill for so long a Time as by the Orders of the said Councill, from time to time to be made, as hereafter is mentioned, shall be thought fitt, and no longer; unto which President, or in his Absence, to any such Person as by the Order of the said Councill shall be thereunto appointed, Wee do give Authority to give Order for the warning of the said Council, and summoning the Company to their Meetings. And our Will and Pleasure is, that from time to time, when and so often as any of the Councill shall happen to decease, or to be removed from being of the said Councill, that then, and so often, the Survivors of them the said Councill, and no other, or the greater Number of them, who then shall be from time to time left remaininge, and who shall, or the greater Number of which that shall be assembled at a public Court or Meeting to be held for the said Company, shall elect and choose one or more other Person or Persons to be of the said Councill, and which from time to time shall be of the said Councill, so that the Number of ffourty Persons of the said Councill may from time to time be supplied: Provided always that as well the Persons herein named to be of the said Councill, as every other Councillor hereafter to be elected, shall be presented to the Lord Chancellor of England, or to the Lord High Treasurer of England, or to the Lord Chamberlaine of the Household of Us, our Heires and Successors for the Time being, to take his and their Oath and Oathes of a Councillor and Councillors to Us, our Heires and Successors, for the said Company and Collonye in New-England. And further, Wee will and grant by these Presents, for Us, our Heires and Successors, unto the said Councill and their Successors, that they

they and their Successors shall have and enjoy for ever a Common Seale, to be engraven according to their Discretions ; and that it shall be lawfull for them to appoint whatever Seale or Seales, they shall think most meete and necessary, either for their Uses, as they are one united Body incorporate here, or for the publick of their Governour and Ministers of New-England aforesaid, whereby the Incorporation may or shall seale any Manner of Instrument touching the same Corporation, and the Mannors, Lands, Tenements, Rents, Reversions, Annuities, Hereditaments, Goods, Chattles, Affaires, and any other Things belonging unto, or in any wise appertaining, touching, or concerning the said Councill and their Successors, or concerning the said Corporation and Plantation in and by these our Letters-Patents as aforesaid founded, erected, and established. And Wee do further by these Presents, for Us, our Heires and Successors, grant unto the said Councill and their Successors, that it shall and may be lawfull to and for the said Councill, and their Successors for the Time being, in their discretions, from time to time to admitt such and so many Person and Persons to be made free and enabled to trade traffick unto, within, and in New-England aforesaid, and unto every Part and Parcell thereof, or to have, possesse, or enjoy, any Lands or Hereditaments in New-England aforesaid, as they shall think fitt, according to the Laws, Orders, Constitutions, and Ordinances, by the said Councill and their Successors from time to time to be made and established by Virtue of, and according to the true Intent of these Presents, and under such Conditions, Reservations, and agreements as the said Councill shall set downe, order and direct, and not otherwise. And further, of our especiall Grace, certaine Knowlege, and mere Motion, for Us, our Heires and Successors, Wee do by these Presents give and grant full Power and Authority to the said Councill and their Successors, that the said Councill for the Time being, or the greater Part of them, shall and may, from time to time, nominate, make, constitute, ordaine, and confirme by such Name or Names, Sale or Sales, as to them shall seeme Good ; and likewise to revoke, discharge, change, and alter, as well all and singular, Governors, Officers, and Ministers, which hereafter shall be by them thought fitt and needfull to be made or used, as well to attend the Busines of the said Company here, as for the Government of the said Collony and Plantation, and also to make, ordaine, and establish all Manner of Orders, Laws, Directions, Instructions, Forms, and Ceremonies of Government and Magistracy fitt and necessary for and concerning the Government of the said Collony and Plantation, so always as the same be not contrary to the Laws and Statutes of this our Realme of England, and the same att all Times hereafter to abrogate, revoke, or change, not only within the Precincts of the said Collony, but also upon the Seas in going and coming to and from the said Collony, as they in their good Discretions shall thinke to be fittest for the good of the Adventurers and Inhabitants there. And Wee do further of our especiall Grace, certaine Knowledge, and mere Motion, grant, declare, and ordain, that such principall Governor, as from time to time

time shall be authorized and appointed in Manner and Forme in these Presents heretofore expressed, shall haue full Power and Authority to use and exercise martiall Laws in Case of Rebellion, Insurrection and Mutiny, in as large and ample Manner as our Lieutenants in our Counties within our Realme of England have or ought to have by Force of their Commission of Lieutenancy. And for as much as it shall be necessary for all our loving Subjects as shall inhabit within the said Precincts of New-England aforesaid, to determine to live together in the Feare and true Worship of Almighty God, Christian Peace, and civil Quietness, each with other, whereby every one may with more Safety, Pleasure, and Profit, enjoye that whereunto they shall attaine with great Pain and Perill, Wee, for Us, our Heires and Successors, are likewise pleased and contented, and by these Presents do give and grant unto the said Council and their Successors, and to such Governors, Officers, and Ministers, as shall be by the said Councill constituted and appointed according to the Natures and Limits of their Offices and Places respectively, that they shall and may, from time to time for ever heerafter, within the said Precincts of New-England, or in the Way by the Seas thither, and from thence have full and absolute Power and Authority to correct, punish, pardon, governe, and rule all such the Subjects of Us, our Heires and Successors, as shall from time to time adventure themselves in any Voyage thither, or that shall att any Time heerafter inhabit in the Precincts or Territories of the said Collony as aforesaid, according to such Laws, Orders, Ordinances, Directions, and Instructions as by the said Councill aforesaid shall be established; and in Defect thereof, in Cases of Necessity, according to the good Discretions of the said Governors and Officers respectively, as well in Cases capitall and criminall, as civill, both marine and others, so allways as the said Statutes, Ordinances, and Proceedings, as near as conveniently may be, agreeable to the Laws, Statutes, Government and Policie of this our Realme of England. And furthermore, if any Person or Persons, Adventurers or Planters of the said Collony, or any other, att any Time or Times heereafter, shall transport any Moneys, Goods, or Merchandizes, out of any of our Kingdoms, with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limits and Bounds of the said Collony, and yet nevertheless being att Sea, or after he hath landed within any Part of the said Collony shall carry the same into any other fforaigne Country with a Purpose there to sell and dispose thereof, that then all the Goods and Chattles of the said Person or Persons so offending and transported, together with the Ship or Vessell wherein such Transportation was made, shall be forfeited to Us, our Heires and Successors. And Wee do further of our especiall Grace, certaine Knowledge, and meere Motion for Us, our Heires and Successors for and in Respect of the Considerations aforesaid, and for divers other good Considerations and Causes, us thereunto especially moving, and by the Advice of the Lords and Others of our said Privy Councill have absolutely giuen, granted, and confirmed,

ed, and do by these Presents absolutely give, grant, and confirm unto the said Councill, called the Councell established att Plymouth in the County of Devon for the planting, ruling, and governing of New-England in America, and unto their Successors for ever, all the aforesaid Lands and Grounds, Continent, Precinct, Place, Places and Territoryes, viz. that aforesaid Part of America, lying, and being in Breadth from ffourty Degrees of Northerly Latitude from the Equinoctiall Line, to ffourty-eight Degrees of the said Northerly Latitude inclusively, and in Length of, and within all the Breadth aforesaid, throughtout all the Maine Lands from Sea to Sea, together also, with the Firme Lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines, and Mineralls, as well Royall Mines of Gold and Silver, as other Mine and Mineralls, precious Stones, Quarries, and all, and singular other Comodities, Jurisdictiones, Royalties, Privileges, Franchises, and Preheminenes, both within the same Tract of Land upon the Maine, and also within the said Islands and Seas adjoining: Provided always, that the said Islands, or any of the Premises herein before mentioned, and by these Presents intended and meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limitts, or Territoryes, of that Southern Colony heretofore by us granted to be planted by diverse of our loving Subjects in the South Part, to have and to hold, possess and enjoy, all, and singular, the aforesaid Continent, Lands, Territoryes, Islands, Hereditaments and Precincts, Sea Waters, Fishings, with all, and all Manner their Commodities, Royalties, Liberties, Preheminenes, and Profitts, that shall arise from thence, with all and singular, their Appertenances, and every Part and Parcell thereof, and of them, to and unto the said Councell and their Successors and Assignes for ever, to the sole only and proper Use, Benefit, and Behooffe of them the said Council and their Successors and Assignes for ever, to be holden of Us, our Heires, and Successors, as of our Manor of East-Greenwich, in our County of Kent, in free and comon Soccage and not in Capite, nor by Knight's Service; yielding and paying therefore to Us, our Heires, our Successors, the fifth Part, of the Ore of Gold and Silver, which from time to time, and att all times heereafter, shall happen to be found, gotten, had, and obtained, in or within any the said Lands, Limitts, Territoryes, and Precincts, or in or within any Part or Parcell thereof, for, or in Respekt of all, and all Manner of Dutys, Demands, and Services whatsoever, to be done, made, or paid to Us, our Heires, and Successors. And Wee do further of our especiall Grace, certaine Knowledge, and meere Motion, for Us, and our Heires, and Successors, give and grant to the said Councell, and their Successors for ever by these Presents, that it shall be lawfull and free for them and their Assignes, att all and every time and times hereafter, out of our Realmes or Dominions whatsoever, to take, load, carry, and transport in, and into their Voyages, and for, and towards the said Plantation in New-England, all
such

such, and so many of our loving Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shott, Victuals, and all Manner of Cloathing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and fro, without paying or yeilding, any Custom or Subsidie either inward or outward, to Us, our Heires, or Successors, for the same, for the Space of seven Years, from the Day of the Date of these Presents, provided, that none of the said Persons be such as shall be hereafter by special Name restrained by Us, our Heire, or Successors. And for their further Encouragement, of our especiall Grace and Favor, Wee do by these Presents for Us, our Heires, and Successors, yield and grant, to and with the said Councill and their Successors, and every of them, their Factors and Assignes, that they and every of them, shall be free and quitt from all Subsidies and Customes in New-England for the Space of seven Years, and from all Taxes and Impositions for the Space of twenty and one Yeares, upon all Goods and Merchandizes att any time or times hereafter, either upon Importation thither, or Exportation from thence into our Realme of England, or into any our Dominions by the said Councill and their Successors, their Deputies, factors, and Assignes, or any of them, except only the five Pounds *per Cent.* due for Custome upon all such Goods and Merchandizes, as shall be brot and imported into our Realme of England, or any other of our Dominions, according to the ancient Trade of Marchants ; which five Pounds *per Cent.* only being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandize to export and carry out of our said Dominions into forraigne Parts, without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other Officers or Ministers of Us, our Heires, or Successors ; provided, that the said Goods and Merchandizes be shipped out within thirteene Months after their first Landing within any Part of these Dominions. And further our Will and Pleasure is, and Wee do by these Presents charge, comand, warrant, and authorize the said Councill, and their Successors, or the major Part of them, which shall be present and assembled for that Purpose, shall from time to time under their comon Seale, distribute, convey, assigne, and sett over, such particular Portions of Lands, Tenements, and Hereditaments, as are by these Presents, formerly granted unto each our loving Subjects, naturally borne or Denisons, or others, as well Adventurers as Planters, as by the said Company upon a Comission of Survey and Distribution, executed and returned for that Purpose, shall be named, appointed, and allowed, wherein our Will and Pleasure is, that Respect behad as well to the Proportion of the Adventurers, as to the speciall Service, Hazard, Exploit, or Meritt of any Person so to be recommended,

penfed, advanced, or rewarded, and wee do alfo, for Us, our Heires, and Succellors, grant to the faid Councell and their Succellors and to all and every fuch Governours, or Officers, or Minifters, as by the faid Councill fhall be appointed to have Power and Authority of Government and Command in and over the faid Collony and Plantation, that they and every of them, fhall, and lawfully may, from time to time, and att all Times hereafter for ever, for their feverall Defence and Safety, encounter, expulfe, repel, and refift by Force of Arms, as well by Sea as by Land, and all Ways and Meanes whatfoever, all fuch Perfon and Perfons, as without the fpeciall Licence of the faid Councell and their Succellors, or the greater Part of them, fhall attempt to inhabit within the faid feverall Precincts and Limitts of the faid Collony and Plantation. And alfo all, and every fuch Perfon or Perfons whatfoever, as fhall enterprize or attempt att any time hereafter Deftroction, Invaſion, Detriment, or Annoyance to the faid Collony and Plantation; and that it fhall be lawfull for the faid Councill, and their Succellors, and every of them, from Time to Time, and att all Times heereafter, and they fhall have full Power and Authority, to take and furprize by all Ways and Meanes whatfoever, all and every fuch Perfon and Perfons whatfoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creeke, or Place, within the Limitts and Precintes of the faid Collony and Plantation, and not being allowed by the faid Councill to be Adventurers or Planters of the faid Collony. And of our further Royall Favor, Wee have granted, and for Us, our Heires, and Succellors, Wee do grant unto the faid Councill and their Succellors, that the faid Territoryes, Lands, Rivers, and Places aforeſaid, or any of them, fhall not be viſited, frequented, or traded unto, by any other of our Subjects, or the Subjects of Us, our Heires, or Succellors, either from any the Ports and Havens belonging or appertayning, or which fhall belong or appertayne unto Us, our Heires, or Succellors, or to any forraigne State, Prince, or Pottentate whatfoever: And therefore, Wee do hereby for Us, our Heires, and Succellors, charge, command, prohibit and forbid all the Subjects of Us, our Heires, and Succellors, of what Degree and Quality fover, they be, that none of them, directly, or indirectly, prefume to viſitt, frequent, trade, or adventure to traffick into, or from the faid Territoryes, Lands, Rivers, and Places aforeſaid, or any of them other than the faid Councill and their Succellors, ffaftors, Deputys, and Affignes, unleſs it be with the Licenſe and Conſent of the faid Councill and Company firſt had and obtained in Writing, under the comon Seal, upon Pain of our Indignation and Imprifonment of their Bodys during the Pleaſure of Us, our Heires or Succellors, and the Forfeiture and Loſs both of their Ships and Goods, whereſoever they fhall be found either within any of our Kingdomes or Dominions, or any other Place or Places out of our Dominions. And for the better effecting of our faid Pleaſure heerin, Wee do heereby for Us, our Heires and Succellors, give and grant full Power and Authority unto the faid Councill, and their Succellors for the time being,

that they by themselves, their Factors, Deputyes, or Assignes, shall and may from time to time, and at all times heereafter, attach, arrest, take, and seize all and all Manner of Ship and Ships, Goods, Wares, and Merchandizes whatsoever, which shall be bro't from or carried to the Places before mentioned, or any of them, contrary to our Will and Pleasure, before in these Presents expressed. The Moyety or one halfe of all which Forfeitures Wee do hereby for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors to their own proper Use without Accompt, and the other Moyety, or halfe Part thereof, Wee will shall be and remaine to the Use of Us, our Heires and Successors. And we likewise have condiscended and granted, and by these Presents, for Us, our Heires and Successors, do conliscend, and grant to and with the said Councill and their Successors, that Wee, our Heires or Successors, shall not or will not give and grant any Lybertye, Licenſe, or Authority to any Person or Persons whatsoever, to faile, trade, or trafficke unto the aforesaid parts of New-England, without the good Will and Likinge of the said Councill, or the greater Part of them for the Time beinge, att any their Courts to be assembled. And Wee do for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors, that whensoever, or so often as any Custome or Subsidie shall growe due or payable unto Us, our Heires or Successors, according to the Limitation and Appointment aforesaid, by Reason of any Goods, Wares, Merchandizes, to be shipped out, or any Returne to be made of any Goods, Wares, or Merchandizes, unto or from New-England, or anythe Lands Territoryes aforesaid, that then so often, and in such Casethe ffarmers, Customers, and Officers of our Customes of England and Ireland, and every of them, for the Time being, upon Request made unto them by the said Councill, their Successors, ffactors, or Assignes, and upon convenient Security to be given in that Behalfe, shall give and allowe unto the said Councill and their Successors, and to all Person and Persons free of the said Company as aforesaid, six Months Time for the Payment of the one halfe of all such Custome and Subsidie, as shall be due, and payable unto Us, our Heires and Successors for the same, for which these our Letters-patent, or the Duplicate, or the Enrolment thereof, shall be unto our said Officers a sufficient Warrant and Discharge. Nevertheless, our Will and Pleasure is, that if any of the said Goods, Wares, and Merchandizes, which be, or shall be, att any Time heereafter, landed and exported out of any of our Realmes aforesaid, and shall be shipped with a Purpoe not to be carried to New-England aforesaid, that then such Payment, Duty, Custome, Imposition, or Forfeiture, shall be paid, and belong to Us, our Heires, and Successors, for the said Goods, Wares, and Merchandices, so fraudulently sought to be transported, as if this our Grant had not been made nor granted: And Wee do for Us, our Heires and Successors, give and grant unto the said Councill and their Successors for ever, by these Presents, that the said

President

President of the said Company, or his Deputy for the Time being, or any two others of the said Councill, for the said Collony in New-England, for the Time beinge, shall and may, and att all Times heereafter, and from time to time, have full Power and Authority, to minister and give the Oath and Oaths of Allegiance and Supremacy, or either of them, to all and every Person and Persons, which shall att any Time and Times heereafter, goe or pass to the said Collony in New-England. And further, that it shall belikewise be lawful for the said President, or his Deputy for the Time being, or any two others of the said Councill for the said Collony of New-England for the Time being, from time to time, and att all Times heereafter, to minister such a formal Oath, as by their Discretion shall be reasonably devised, as well unto any Person and Persons employed or to be employed in, for, or touching the said Plantation, for their honest, faithfull, and just Discharge of their Service, in all such Matters as shall be committed unto them for the Good and Benefit of the said Company, Collony, and Plantation, as also unto such other Person or Persons, as the said President or his Deputy, with two others of the said Councill, shall thinke meete for the Examination or clearing of the Truth in any Cause whatsoever, concerning the said Plantation, or any Busines from thence proceeding, or thereunto belonging. And to the End that no lewd or ill-disposed Persons, Saylors, Soldiers, Artificers, Labourers, Husbandmen, or others, which shall receive Wages, Apparel, or other Entertainment from the said Councill, or contract and agree with the said Councill to goe, and to serve, and to be employed, in the said Plantation, in the Collony in New-England, do afterwards withdraw, hide, and conceale themselves, or refuse to go thither, after they have been so entertained and agreed withall; and that no Persons which shall be sent and employed in the said Plantation, of the said Collony in New-England, upon the Charge of the said Councill, doe misbehave themselves by mutinous Seditions, or other notorious Misdemeanors, or which shall be employed, or sent abroad by the Governour of New-England or his Deputy, with any Shipp or Pinnace, for Provision for the said Collony, or for some Discovery, or other Busines or Affaires concerning the same, doe from thence either treacherously come back againe, or returne into the Realme of Englande by Stealth, or without Licence of the Governour of the said Collony in New-England for the Time being, or be sent hither as Misdoers or Offendors; and that none of those Persons after their Returne from thence, being questioned by the said Councill heere, for such their Misdemeanors and Offences, do, by insolent and contemptuous Carriage in the Prefence of the said Councill shew little Respect and Reverence, either to the Place or Authority in which we have placed and appointed them and others, for the clearing of their Lewdnes and Misdemeanors committed in New-England, divulge vile and scandalous Reports of the Country of New-England, or of the Government or Estate of the said Plantation and Collony, to bring the said Voyages and Plantation into Disgrace and Contempt,

by Meanes whereof, not only the Adventurers and Planters already engaged in the said Plantation may be exceedingly abused and hindered, and a great Number of our loving and well-disposed Subjects, otherways well affected and inclined to joine and adventure in so noble a Christian and worthy Action may be discouraged from the same, but also the Enterprize itself may be overthrowne, which cannot miscarry without some Dishonour to Us and our Kingdome : Wee, therefore, for preventing so great and enormous Abuses and Misdemeanors, Do, by these Presents for Us, our Heires, and Successors, give and grant unto the said President or his Deputy, or such other Person or Persons, as by the Orders of the said Councill shall be appointed by Warrant under his or their Hand or Hands, to send for, or cause to be apprehended, all and every such Person and Persons, who shall be noted, or accused, or found at any time or times heereafter to offend or misbehave themselves in any the Affaires before mentioned and expressed ; and upon the Examination of any such Offender or Offenders, and just Proove made by Oathe taken before the said Councill, of any such notorious Misdemeanours by them committed as aforesaid, and also upon any insolent, contemptuous, or irreverent Carriage or Misbehaviour, to or against the said Councill, to be shewed or used by any such Person or Persons so called, convened, and appearing before them as aforesaid, that in all such Cases, our said Councill, or any two or more of them for the Time being, shall and may have full Power and Authority, either heere to bind them over with good Sureties for their good Behaviour, and further therein to proceed, to all Intents and Purposes as it is used in other like Cases within our Realme of England, or else at their Discretions to remand and send send back the said Offenders, or any of them, to the said Collony of New-England, there to be proceeded against and punished as the Governour's Deputy or Councill there for the Time being, shall think meete, or otherwise according to such Laws and Ordinances as are, and shall be, in Use there, for the well ordering and good Government of the said Collony. And our Will and Pleasure is, and Wee do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of the said Collony or Plantation, or any other by License or Appointment of the said Councill, or their Successors, or otherwise, shall at any time or times heereafter, rob or spoil, by Sea or by Land, or do any Hurt, Violence, or unlawfull Hostillity to any of the Subjects of Us, our Heires, or Successors, or any of the Subjects of any King, Prince, Ruler, or Governour, or State, being then in League or Amity with Us, our Heires and Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governour, or State, or their Subjects, Wee, our Heires, or Successors shall make open Proclamation within any of the Ports of our Realme of England commodious for that Purpose, that the Person or Persons having committed any such Robbery or Spoile, shall within the Term limited by such a Proclamation, make full Restitution or Satisfaction of all such

Injuries

Injuries done, so as the said Princes or other, so complaining, may hold themselves fully satisfied and contented. And if that the said Person or Persons, having committed such Robbery or Spoile, shall not make or cause to be made Satisfaction accordingly within such Terme so to be limited, that then it shall be lawful for Us, our Heires and Successors, to put the said Person or Persons out of our Allegiance and Protection; and that it shall be lawful and free for all Princes to prosecute with Hostility the said Offenders and every of them, their, and every of their Procurers, Aiders, Abettors, and Comforters in that Behalfe. And also, Wee do for Us, our Heires, and Successors, declare by these Presents, that all and every the Persons, beinge our Subjects, which shall goe and inhabit within the said Collony and Plantation, and every of their Children and Posterity, which shall happen to be born within the Limitts thereof, shall have and enjoy all Liberties, and franchises, and Immunities of free Denizens and naturall Subjects within any of our other Dominions, to all Intents and Purposes, as if they had been abidinge and born within this our Kingdome of England, or any other our Dominions. And lastly, because the principall Effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect, Wee would be loath that any Person should be permitted to pass that Wee suspected to affect the Superstition of the Chh of Rome, Wee do hereby declare that it is our Will and Pleasure that none be permitted to pass, in any Voyage from time to time to be made into the said Country, but such as shall first have taken the Oathe of Supremacy; for which Purpose, Wee do by these Presents give full Power and Authority to the President of the said Councill, to tender and exhibit the said Oath to all such Persons as shall at any time be sent and employed in the said Voyage. And Wee also for Us, our Heires and Successors, do covenant and grant to and with the Councill, and their Successors, by these Presents, that if the Councill for the time being, and their Successors, or any of them, shall at any time or times heereafter, upon any Doubt which they shall conceive concerning the Strength or Validity in Law of this our present Grant, or be desirous to have the same renewed and confirmed by Us, our Heires and Successors, with Amendment of such Imperfections and Defects as shall appeare fitt and necessary to the said Councill, or their Successors, to be reformed and amended on the Behalfe of Us, our Heires and Successors, and for the furthering of the Plantation and Government, or the Increase, continuing, and flourishing thereof, that then, upon the humble Petition of the said Councill for the time being, and their Successors, to Us, our Heires and Successors, Wee, our Heires and Successors, shall and will forthwith make and pass under the Great Seale of England, to the said Councill and their Successors, such further and better Assurance, of all and singular the Lands, Grounds, Royalties, Privileges, and Premises aforesaid granted, or intended to be granted, accord-

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ing to our true Intent and Meaneing in theſe our Letters-patents, ſignified, declared, or mentioned, as by the learned Councill of Us, our Heires, and Succeſſors, and of the ſaid Company and their Succeſſors ſhall, in that Behalfe, be reaſonably deviſed or adviſed. And further our Will and Pleaſure is, that in all Queſtions and Doubts, that ſhall ariſe upon any Difficulty of Inſtruction or Interpretation of any Thing contained in theſe our Letters-patents, the ſame ſhall be taken and interpreted in moſt ample and beneficial Manner, for the ſaid Council and their Succeſſors, and every Member thereof. And Wee do further for Us, our Heires and Succeſſors, charge and comand all and ſingular Admirals, Vice-Admirals, Generals, Comanders, Captaines, Juſtices of Peace, Majors, Sheriffs, Bailiffs, Conſtables, Customers, Comp-trollers, Waiters, Searchers, and all the Officers of Us, our Heires and Succeſſors, whatſoever to be from time to time, and att all times heereafter, in all Things aiding, helping, and aſſiſting unto the ſaid Councill, and their Succeſſors, and unto every of them, upon Requeſt and Requeſts by them to be made, in all Matters and Things, for the furtherance and Accompliſhment of all or any the Matters and Things by Us, in and by theſe our Letters-patents, given, granted, and provided, or by Us meant or intended to be given, granted, and provided, as they our ſaid Officers, and the Officers of Us, our Heires and Succeſſors, do tender our Pleaſure, and will avoid the contrary att their Perills. And Wee alſo do by theſe Preſents, ratifye and confirm unto the ſaid Councill and their Succeſſors, all Privileges, ffranchiſes, Liberties, Immunities granted in our ſaid former Letters-patents, and not in theſe our Letters-patents revoaked, altered, changed or abridged, altho' expreſs Mention, &c.

In Witnes, &c.

Witnes our ſelfe at *Weſtminiſter*, the Third Day of November, in the Eighteenth Yeare of our Reign over England, &c.

Par Breve de Privato Sigillo, &c.

This is a true Copy from the Original Record remaining in the Chapel of the Rolls having been examined.

HEN. ROOKE, *Clerk of the Rolls.*

AGREEMENT *between the* SETTLERS *at* NEW-PLYMOUTH,
November 11th, 1620.

[New-England Memorial, Page 20.]

IN THE NAME OF GOD, AMEN. We, whose Names are underwritten, the Loyal Subjects of our dread Sovereign Lord King *James*, by the Grace of God, of *Great Britain, France, and Ireland*, King, *Defender of the Faith*, &c. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first Colony in the northern Parts of *Virginia*; Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforefaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience. IN WITNESS whereof we have hereunto subscribed our Names at *Cape-Cod*, the eleventh of *November*, in the Reign of our Sovereign Lord King *James*, of *England, France, and Ireland*, the eighteenth, and of *Scotland*, the fifty-fourth, *Anno Domini*, 1620.

John Carver,
William Bradford,
Edward Winslow,
William Brewster,
Isaac Allerton,
Miles Standish,
John Alden,
John Turner,
Francis Eaton,
James Chilton,
John Craxton,
John Billington,
Joses Fletcher;
John Goodman,

Samuel Fuller,
Christopher Martin,
William Mullins,
William White,
Richard Warren,
John Howland,
Steven Hopkins,
Digery Priest,
Thomas Williams,
Gilbert Winslow,
Edmund Margeffon,
Peter Brown,
Richard Bitteridge,
George Soule,

Edward Tilly,
John Tilly,
Francis Cooke,
Thomas Rogers,
Thomas Tinker,
John Ridgdale,
Edward Fuller,
Richard Clark,
Richard Gardiner,
John Allerton,
Thomas English,
Edward Doten,
Edward Liefter.

* A LETTER *from* NEW-PLIMOTH.

[Smitte's New-England Trials. Lond. 1622.]

LOUING Cousin, at our Arriuall, at *New-Plimmoth* in *New England*, we found all our Friends and Planters in good Health, though they were left sicke and weake, with very small Meanes—the Indians round about us peaceable and friendly—the Country very pleasant and temperate, yeelding naturally of itself great Store of Fruits; as Vines of diuers Sorts in great Abundance: there is likewise Walnuts, Chefnuts, Small Nuts, and plums, with much Varietie of Flowers, Rootes, and Herbs, no lesse pleasant than wholsome and profitable: no place hath more Gooseberries and Strawberries, nor better; Timber of all Sorts you have in *England*, doth covert he Land, that affoords beasts of diuers Sorts; and great Flocks of Turkies, Quales, Pigeons, and Partriges: many great Lakes abounding with Fish, Fowle, Beuers, and Otters. The Sea affoords vs as great Plenty of all excellent Sorts of Sea-fish, as the Riuers and Iles doth Varietie of Wilde Fowle of most vsfull Sorts. Mines we find to our thinking, but neither the Goodness nor Qualitie we know. Better Grain cannot be than the Indian-Corne, if we will plant it vpon as good Ground as a man need desire. Wee are all Free-holders; the Rent-day doth not trouble vs; and all those good Blessings we haue, of which, and what we list in their Seasons, for taking. Our Companie are for most Part very religious honest People: the Word of God sincerely taught vs every Sabbath; so that I know not any thing a contented Mind can here want. I desire your friendly Care to send my Wife and Children to me, where I wish all the Friends I have in England, and so I rest,

Your loving Kinsman,

WILLIAM HILTON.

* There is no Date to this Letter, but the Vessel by which it was sent, left New-England the Beginning of April, 1621.

TRANSLATION of a CHARTER given by the High and
Mighty Lords, the STATES GENERAL, to the WEST INDIA COMPANY,
dated the third of June, 1621.

[De Lact. Jaerlyck Verhaal.]

THE States-General of the United Netherlands, to all who shall see these Presents, or hear them read, Greeting. Be it known, that we knowing the prosperity of these countries, and the welfare of their inhabitants depends principally on navigation and trade, which in all former times by the said Countries were carried on happily, and with a great blessing to all countries and kingdoms; and desiring that the aforesaid inhabitants should not only be preserved in their former navigation, traffic, and trade, but also that their trade may be encreased as much as possible in special conformity to the treaties, alliances, leagues and covenants for traffic and navigation formerly made with other princes, republics and people, which we give them to understand must be in all parts punctually kept and adhered to: And we find by experience, that without the common help, assistance, and interposition of a General Company, the people designed from hence for those parts cannot be profitably protected and maintained in their great risque from pirates, extortion and otherwise, which will happen in so very long a voyage. We have, therefore, and for several other important reasons and considerations us thereunto moving, with mature deliberation of counsel, and for highly necessary causes, found it good, that the navigation, trade, and commerce, in the parts of the West-Indies, and Africa, and other places hereafter described, should not henceforth be carried on any otherwise than by the common united strength of the merchants and inhabitants of these countries; and that for that end there shall be erected one General Company, which we out of special regard to their common well-being, and to keep and preserve the inhabitants of those places in good trade and welfare, will maintain and strengthen with our Help, Favour and assistance as far as the present state and condition of this Country will admit: and moreover furnish them with a proper Charter, and with the following Privileges and Exemptions, to wit, That for the Term of four and twenty Years, none of the Natives or Inhabitants of these countries shall be permitted to sail to or from the said lands, or to traffic on the coast and countries of *Africa* from the *Tropic of Cancer* to the *Cape of Good Hope*, nor in the countries of *America*, or the West-Indies, beginning at the south end of *Terra Nova*, by the streights of *Magellan*, *La Maire*, or any other streights and passages situated thereabouts to the streights of *Anian*, as well on the north sea as the south

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sea, nor on any islands situated on the one side or the other, or between both; nor in the western or southern countries reaching, lying, and between both the meridians, from the *Cape of Good Hope*, in the East, to the east end of *New Guinea*, in the West, inclusive, but in the Name of this United Company of these United Netherlands. And whoever shall presume without the consent of this Company, to sail or to traffic in any of the Places within the aforesaid Limits granted to this Company, he shall forfeit the ships and the goods which shall be found for sale upon the aforesaid coasts and lands; the which being actually seized by the aforesaid Company, shall be by them kept for their own Benefit and Behoof. And in case such ships or goods shall be sold either in other countries or havens they may touch at, the owners and partners must be fined for the value of those ships and goods: Except only, that they who before the date of this charter, shall have sailed or been sent out of these or any other countries, to any of the aforesaid coasts, shall be able to continue their trade for the sale of their goods, and come back again, or otherwise, until the expiration of this charter, if they have had any before, and not longer: Provided, that after the first of July sixteen hundred and twenty one, the day and time of this charter's commencing, no person shall be able to send any ships or goods to the places comprehended in this charter, although that before the date hereof, this Company was not finally incorporated: But shall provide therein, as is becoming, against those who knowingly by fraud endeavour to frustrate our intention herein for the public good: Provided that the salt trade at *Ponte del Re* may be continued according to the conditions and instructions by us already given, or that may be given respecting it, any thing in this charter to the contrary notwithstanding.

II. That, moreover, the aforesaid Company may, in our name and authority, within the limits herein before prescribed, make contracts, engagements and alliances with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge Governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police and justice, and in like manner for the promoting of trade; and again, others in their place to put, as they from the situation of their affairs shall see fit: Moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require: And the Company shall successively communicate and transmit to us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situation of the fortresses, fortifications, and settlements by them taken.

III. Saving, that they having chosen a governor in chief, and prepared instructions for him, they shall be approved, and a commission given by us: And that further,

ther, such governor in chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to us and also to the Company.

IV. And if the aforesaid Company in any of the aforesaid places shall be cheated under the appearance of friendship, or badly treated, or shall suffer loss in trusting their money or Goods, without having restitution, or receiving payment for them, they may use the best methods in their power, according to the situation of their affairs, to obtain satisfaction.

V. And if it should be necessary, for the establishment, security and defence of this trade, to take any troops with them, we will, according to the constitution of this country, and the situation of affairs furnish the said Company with such troops, provided they be paid and supported by the Company.

VI. Which troops, besides the oath already taken to us and to his excellency, shall swear to obey the commands of the said Company, and to endeavour to promote their interest to the utmost of their ability.

VII. That the provosts of the Company on shore may apprehend any of the military, that have enlisted in the service of the aforesaid company, and may confine them on board the ships in whatever city, place, or jurisdiction they may be found; provided, the provosts first inform the officers and magistrates of the cities and places where this happens.

VIII. That we will not take any ships, ordnance, or ammunition belonging to the company, for the use of this country, without the consent of the said company.

IX. We having moreover incorporated this company, and favoured them with privileges, and we give them a charter besides this, that they may pass freely with all their ships and goods without paying any toll to the United Provinces; and that they themselves may use their liberty in the same manner as the free inhabitants of the cities of this country enjoy their freedom, notwithstanding any person who is not free may be a member of this company.

X. That all the goods of this company during the eight next ensuing years, may be carried out of this country to the parts of the West-Indies and Africa, and other places comprehended within the aforesaid limits, and those which they shall bring into this country, shall be from outward and home convoys; provided, that if at the expiration of the aforesaid eight years, the state and situation of these Countries will not admit of this Freedom's continuing for a longer time, the said goods, and the merchandises coming from the places mentioned in this Charter, and exported again out of these countries, and the outward convoys and licenses, during the whole time of this Charter, shall not be rated higher by us than they have formerly been rated, unless we should be again engaged in a war, in which case, all the afore-

faid goods and merchandises shall not be rated higher by us than they were in the last list in time of war.

XI. And that this company may be strengthened by a good government, to the greatest profit and satisfaction of all concerned, we have ordained, that the said government shall be vested in five chambers of managers; one at Amsterdam,—this shall have the management of four-ninth parts; one chamber in Zealand, for two-ninth parts; one chamber at the Maeze, for one-ninth part; one chamber in North Holland, for one-ninth part; and the fifth chamber in Friesland, with the * city and country, for one-ninth part; upon the condition entered in the record of our resolutions, and the Act past respecting it. And the Provinces in which there are no chambers shall be accommodated with so many managers, divided among the respective chambers, as their hundred thousand guilders in this company shall entitle them to.

XII. That the chamber of Amsterdam shall consist of twenty managers; the chamber of Zealand of twelve; the chambers of Maeze and of the North Part, each of fourteen, and the chamber of Friesland, with the city and country, also of fourteen managers: If it shall hereafter appear, that this work cannot be carried on without a greater number of persons; in that case, more may be added, with the knowledge of nineteen, and our approbation, but not otherwise.

XIII. And the States of the respective United Provinces are authorized, to lay before their High Mightinesses' ordinary deputies, or before the magistrates of the cities of these Provinces, any order for registering the members, together with the election of managers, if they find they can do it according to the constitution of their Provinces. Moreover, that no person in the chamber of Amsterdam shall be chosen a manager who has not of his own in the funds of the company, the sum of six thousand guilders; and the chamber of Zealand four thousand guilders, and the chamber of Maeze, of the North Part, and of Friesland, with the city and country, the like sum of four thousand guilders.

XIV. That the first managers shall serve for the term of six years, and then one-third part of the number of managers shall be changed by lot; and two years after a like third part, and the two next following years, the last third part; and so on successively the oldest in the service shall be dismissed; and in the place of those who go off, or of any that shall die, or for any other reason be dismissed, three others shall

* Stadt ende Landen.

shall be nominated by the managers, both remaining and going off, together with the principal adventurers in person, and at their cost, from which the aforefaid Provinces, the deputies, or the magistrates, shall make a new election of a manager, and successively supply the vacant places ; and it shall be held before the principal adventurers, who have as great a concern as the respective managers.

XV. That the accounts of the furniture and outfit of the vessels, with their dependencies, shall be made up three months after the departure of the vessels, and one month after, copies shall be sent to us, and to the respective chambers : and the state of the returns, and their sales, shall the chambers (as often as we see good, or they are required thereto by the chambers) send to us and to one another.

XVI. That every six years they shall make a general account of all outfits and returns, together with all the gains and losses of the company ; to wit, one of their business, and one of the war, each separate : which accounts shall be made public by an advertisement, to the end that every one who is interested may, upon hearing of it, attend ; and if by the expiration of the seventh year, the accounts are not made out in manner aforefaid, the managers shall forfeit their commissions, which shall be appropriated to the use of the poor, and they themselves be held to render their account as before, till such time and under such penalty as shall be fixed by us respecting offenders. And notwithstanding there shall be a dividend made of the profits of the business, so long as we find that *ten per Cent.* shall have been gained.

XVII. No one shall, during the continuance of this charter, withdraw his capital, or sum advanced, from this company ; nor shall any new members be admitted. If at the expiration of four and twenty years it shall be found good to continue this company, or to erect a new one, a final account and estimate shall be made by the nineteen, with our knowledge, of all that belongs to the company, and also of all their expences, and any one, after the aforefaid settlement and estimate, may withdraw his money, or continue it in the new company, in whole or in part, in the same proportion as in this ; And the new company shall in such case take the remainder, and pay the members which do not think fit to continue in the company their share, at such times as the nineteen, with our knowledge and approbation, shall think proper.

XVIII. That so often as it shall be necessary to have a general meeting of the aforefaid chambers, it shall be by nineteen persons, of whom eight shall come from the chamber of Amsterdam ; from Zealand, four ; from the Maeze, two ; from North Holland, two ; from Friesland, and the city and country, two ; provided, that the nineteen persons, or so many more as we shall at any time think fit, shall be deputed by us for the purpose of helping to direct the aforefaid meeting of the company.

XIX. By which general meeting of the aforefaid chambers, all the business of this
company

Company which shall come before them shall be managed and finally settled ; provided, that in case of resolving upon a war, our approbation shall be asked.

XX. The aforefaid general meeting being summoned, it shall meet to resolve when they shall fit out, and how many vessels they will send to each place, the company in general observing that no particular chamber shall undertake any thing in opposition to the foregoing resolution, but shall be held to carry the same effectually into execution. And if any chamber shall be found not following the common resolution, or contravening it, we have authorized, and by these presents do authorize, the said meeting, immediately to cause reparation to be made of every defect or contravention, wherein we, being desired, will assist them.

XXI. The said general meeting shall be held the first six years in the city of Amsterdam, and two years thereafter in Zealand, and so on from time to time in the aforefaid two places.

XXII. The managers to whom the affairs of the company shall be committed, who shall go from home to attend the aforefaid meeting or otherwise, shall have for their expences and wages, four guilders a day, besides boat and carriage hire : Provided, that those who go from one city to another, to the chambers as managers and governors, shall receive no wages or travelling charges, at the cost of the company.

XXII. And if it should happen that in the aforefaid general meeting, any weighty matter should come before them wherein they cannot agree, or in case the votes are equally divided, the same shall be left to our decision ; and whatever shall be determined upon shall be carried into execution.

XXIV. And all the inhabitants of these countries, and also of other countries, shall be notified by public advertisements within one month after the date hereof, that they may be admitted into this Company, during five months from the first of July this year, sixteen hundred and twenty one, and that they must pay the money they put into the Stock in three payments ; to wit, one-third part at the expiration of the aforefaid five months, and the other two-third parts within three next succeeding years. In case the aforefaid general meeting shall find it necessary to prolong the time, the members shall be notified by an advertisement.

XXV. The ships returning from a voyage shall come to the place they sailed from ; and if by stress of weather, the vessels which sailed out from one part shall arrive in another ; as those from Amsterdam, or North Holland, in Zealand, or in the Maeze ; or from Zealand, in Holland ; or those from Friesland, with the city and country, in another part ; each chamber shall nevertheless have the direction and management of the vessels and goods it sent out, and shall send and transport the goods to the places from whence the vessels sailed, either in the same or other vessels : Provided, that the managers of that chamber shall be held in person to find

the

the place where the vessels and goods are arrived, and not appoint factors to do this business ; but in case they shall not be in a situation for travelling, they shall commit this business to the chamber of the place where the vessels arrived.

XXVI. If any chamber has got any goods or returns from the places included within the Limits of this charter, with which another is not provided, it shall be held to send such goods to the chamber which is unprovided, on its request, according to the situation of the case, and if they have sold them, to send to another chamber for more. And in like manner, if the managers of the respective chambers have need of any persons for fitting out the vessels, or otherwise, from the cities where there are chambers or managers, they shall require and employ the managers, of this company, without making use of a factor.

XXVII. And if any of the Provinces think fit to appoint an agent to collect the money from the inhabitants, and to make a fund in any chamber, and for paying dividends, the chamber shall be obliged to give such agent access, that he may obtain information of the state of the disbursements and receipts, and of the debts ; provided, that the money brought in by such agent amount to fifty thousand guilders or upwards.

XXVIII. The managers shall have for commissions one *per cent.* on the outfits and returns, besides the Prince's; and an half *per cent.* on gold and silver : which commission shall be divided ; to the Chamber of Amsterdam, four-ninth parts; the Chamber of Zealand, two-ninth parts; the Maeze, one-ninth part ; North Holland, one-ninth part , and Friesland, with the city and country, a like ninth part.

XXIX. Provided that they shall not receive commissions on the ordnance and the ships more than once. They shall, moreover have no commissions on the ships, ordnance, and other things with which we shall strengthen the Company, nor on the money which they shall collect for the Company, nor on the profits they receive from the goods, nor shall they change the Company with any expences of travelling or provisions for those to whom they shall commit the providing a cargo, and purchasing goods necessary for it.

XXX. The book-keepers and cashiers shall have a salary paid them by the managers out of their commissions.

XXXI. The managers shall not deliver or sell to the Company, in whole or in part, any of their own ships, merchandize or goods; nor buy or cause to be bought, of the said Company, directly or indirectly, any goods or merchandize, nor have any portion or part therein, on forfeiture of one year's commissions for the use of the poor, and the loss of Office.

XXXII. The Managers shall give notice by advertisement, as often as they have a
fresh

fresh importation of goods and merchandize, to the end that every one may have seasonable knowledge of it, before they proceed to a final sale.

XXXIII. And if it happens that in either Chamber, any of the managers shall get into such a situation, that he cannot make good what was entrusted to him during his administration, and in consequence thereof any loss shall happen, such Chamber shall be liable for the damage, and shall also be specially bound for their administration, which shall also be the case with all the members, who, on account of goods purchased, or otherwise, shall become debtors to the Company, and so shall be reckoned all cases relating to their stock and what may be due to the Company.

XXXIV. The managers of the respective chambers shall be responsible for their respective cashiers and book-keepers.

XXXV. That all the goods of this Company which shall be sold by weight shall be sold by one weight, to wit, that of Amsterdam; and that all such goods shall be put on board ship, or in store without paying any excise, impost or weigh-money; provided, that they being sold, shall not be delivered in any other way than by weight; and provided that the impost and weigh-money shall be paid as often as they are alienated, in the same manner as other goods subject to weigh-money.

XXXVI. That the persons or goods of the managers shall not be arrested, attached, or encumbered, in order to obtain from them an account of the administration of the Company, nor for the payment of the wages of those who are in the service of the Company, but those who shall pretend to take the same upon them, shall be bound to refer the matter to their ordinary judges.

XXXVII. So when any ship shall return from a voyage, the generals or commanders of the fleets, shall be obliged to come and report to us the success of the voyage of such ship or ships, within ten days after their arrival, and shall deliver and leave with us a report in writing, if the case requires it.

XXXVIII. And if it happens (which we by no means expect) that any person will, in any manner, hurt or hinder the navigation, business, trade, or traffic of this Company, contrary to the common right, and the contents of the aforesaid treaties, leagues, and covenants, they shall defend it against them, and regulate it by the instructions we have given concerning it.

XXXIX. We have moreover promised and do promise, that we will defend this Company against every person in free navigation and traffic, and assist them with a million of guilders, to be paid in five years, whereof the first two hundred thousand guilders shall be paid them when the first payment shall be made by the members: Provided that we, with half the aforesaid million of guilders, shall receive and bear profit and risk in the same manner as the other members of this Company shall.

XL. And if by a violent and continued interruption of the aforesaid navigation
and

an traffic, the business within the limits of their Company shall be brought to an open war, we will, if the situation of this country will in any wise admit of it, give them for their assistance sixteen ships of war, the least one hundred and fifty lasts burthen; with four good well sailing yachts, the least, forty lasts burthen, which shall be properly mounted and provided in all respects, both with brass and other cannon, and a proper quantity of ammunition, together with double suits of running and standing rigging, sails, cables, anchors, and other things thereto belonging, such as are proper to be provided and used in all great expeditions; upon condition, that they shall be manned, victualled, and supported at the expence of the Company, and that the Company shall be obliged to add thereto sixteen like ships of war, and four yachts, mounted and provided as above, to be used in like manner for the defence of trade and all exploits of war: Provided that all the ships of war and merchantmen (that shall be with those provided and manned as aforesaid) shall be under an admiral appointed by us according to the previous advice of the aforesaid General Company, and shall obey our commands, together with the resolutions of the Company, if it shall be necessary, in the same manner as in time of war; so notwithstanding that the merchantmen shall not unnecessarily hazard their lading.

XLI. And if it should happen that this country should be remarkably eased of its burthens, and that this Company should be laid under the grievous burthen of a war, we have further promised, and do promise, to encrease the aforesaid subsidy in such a manner as the situation of these countries will admit, and the affairs of the Company shall require.

XLII. We have moreover ordained, that in case of a war, all the prizes which shall be taken from enemies and pirates within the aforesaid limits, by the Company or their assistants; also the goods which shall be seized by virtue of our proclamation, after deducting all expences and the damage which the Company shall suffer in taking each prize, together with the just part of his excellency the admiral, agreeable to our resolution of the first of April sixteen hundred and two; and the tenth part for the officers, sailors, and soldiers, who have taken the prize, shall await the disposal of the managers of the aforesaid Company: Provided that the account of them shall be kept separate and apart from the account of trade and commerce; and that the nett proceeds of the said prizes shall be employed in fitting out ships, paying the troops, fortifications, garrisons, and like matters of war and defence by sea and land; but there shall be no distribution unless the said nett proceeds shall amount to so much that a notable share may be distributed without weakening the said defence, and after paying the expences of the war, which shall be done separate and apart from the distributions on account of Trade: And the distribution shall be made one-tenth part for the use of the United Netherlands, and the remainder for

the members of this Company, in exact proportion to the capital they have advanced.

XLIII. Provided nevertheless, that all the prizes and goods, taken by virtue of our proclamation, shall be brought in, and the right laid before the judicature of the counsellors of the admiralty for the part to which they are brought, that they may take cognizance of them, and determine the legality or illegality of the said prizes: the process of the administration of the goods brought in by the Company remaining nevertheless pending, and that under a proper inventory; and saving a revision of what may be done by the sentence of the admiralty, agreeable to the instruction given the admiralty in that behalf. Provided that the vendue-masters and other officers of the admiralty, shall not have or pretend to any right to the prizes taken by this Company, and shall not be employed respecting them.

XLIV. The managers of this Company shall solemnly promise and swear, that they will act well and faithfully in their administration, and make good and just accounts of their trade: That they in all things will consult the greatest profit of the Company, and as much as possible prevent their meeting with losses: That they will not give the principal members any greater advantage in the payments or distribution of money than the least: That they, in getting in and receiving out-standing debts, will not favour one more than another: That they for their own account will take, and, during the continuance of their administration, will continue to take such sum of money as by their charter is allotted to them; and moreover, that they will, as far as concerns them, to the utmost of their power, observe and keep, and cause to be observed and kept, all and every the particulars and articles herein contained.

XLV. All which privileges, freedoms and exemptions, together with the assistance herein before mentioned, in all their particulars and articles, we have, with full knowledge of the business, given, granted, promised and agreed to the aforesaid Company; giving, granting, agreeing and promising moreover that they shall enjoy them peaceably and freely: ordaining that the same shall be observed and kept by all the magistrates, officers, and subjects of the United Netherlands, without doing any thing contrary thereto directly or indirectly, either within or out of these Netherlands, on penalty of being punished both in life and goods as obstacles to the common welfare of this country, and transgressors of our ordinance: promising moreover that we will maintain and establish the Company in the things contained in this charter, in all treaties of peace, alliances and agreements with the neighbouring princes, kingdoms and countries, without doing any thing, or suffering any thing to be done which will weaken their establishment. Charging and expressly commanding all governors, justices, officers, magistrates and inhabitants of the aforesaid United Netherlands, that they permit the aforesaid Company and managers peaceably and freely to enjoy the full effect of this charter, agreement, and privilege,

lege, without any contradiction or impeachment to the contrary. And that none may pretend ignorance hereof, we command that the contents of this charter shall be notified by publication, or an advertisement, where, and in such manner, as is proper; for we have found it necessary for the service of this country.

Given under our Great Seal, and the Signature and Seal of our Recorder, at the Hague, on the third day of the month of June, in the year sixteen hundred and twenty one.

Was countersigned

J. MAGNUS, Secr.

Underneath was written,

The ordinance of the High and Mighty Lords the States General.

It was subscribed,

C. AERSSEN,

And had a Seal pendant, of red Wax, and a string of white Silk.

An ORDINANCE and CONSTITUTION of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. Dated July 24, 1621.

[Stith's Hist. of Virginia, App. p. 32.]

TO all People, to whom these Presents shall come, be seen, or heard, The Treasurer, Council, and Company of Adventures and Planters for the City of London for the first Colony of *Virginia*, send Greeting. Know ye, that we, the said Treasurer, Council, and Company, taking into our careful Consideration the present State of the said Colony of *Virginia*, and intending, by the Divine Assistance, to

fettle a Form of Government there, as may be to the greatest Benefit and Comfort of the People, and whereby all Injustice, Grievances, and Oppression may be prevented and kept off as much as possible from the said Colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the Time being, in the Administration of Justice, and the executing other Duties to this Office belonging; but also, by their vigilant Care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as also for advancing of Increase, Strength, Stability, and Prosperity of the said Colony:

We therefore, the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, Do hereby order and declare, that, from hence forward, there shall be Two Supreme Councils in *Virginia*, for the better government of the Colony aforesaid.

The one of which Councils to be called the Council of State (and whose office shall chiefly be assisting, with their Care, Advice, and Circumspection, to the said Governor) shall be chosen, nominated, placed, and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist for the present, only of these Persons, as are here inserted, *viz.* Sir *Francis Wyat*, † Governor of *Virginia*, Captain *Francis West*, Sir *George Yeardley*, Knight, Sir *William Neuce*, Knight, Marshal of *Virginia*, Mr. *George Sandys*, Treasurer, Mr. *George* † *Thorpe*, Deputy of the College, Captain *Thomas Neuce*, Deputy for the Company, Mr. *Pawlet*, Mr. *Leech*, Captain *Nathaniel Powell*, Mr. *Christopher Davidson*, Secretary, Doctor *Pots*, Physician to the Company, Mr. *Roger Smith*, Mr. *John Berkeley*, Mr. *John Rolfe*, Mr. *Ralph Hamer*, Mr. *John* || *Pountis*, Mr. *Michael Lapworth*, Mr. *Harwood*, Mr. *Samuel Macock*: Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that all Factions, Partialities, and sinister Respect laid aside, they bend their Care and Endeavours to assist the said Governor; first and principally, in the Advancement of the Honour and Service of God, and the Enlargement

† It is to be noted that the Governor is always inserted in the old Commissions, as a Part, and the Head of the Council of State.

† M. S. *Thorne*: but as I am perfectly well acquainted with these Names and Persons, by perusing the ancient Records, I shall take the Liberty of correcting the Errors of the Transcriber.

|| M. S. *Downton*.

fargement of his Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due Obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and *Christian* Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor.

The other Council, more generally to be called by the Governor, once Yearly, and no * oftener, but for † very extraordinary and important Occasions, shall consist, || for the present, of the said Council of State, and of two Burgeses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants: Which Council shall be called the General Assembly, wherein (as also in the said Council of State) all Matters shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Publick Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall from time to time appear necessary or requisite:

Whereas in all other Things, we require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government, Laws, Customs, and Manner of Trial, and other Administration of Justice, used in the Realm of *England*, as near as may be, even as ourselves, by his Majesty's Letters-patent, are required:

Provided, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said ‡ Company here in *England*, and so ratified, be returned to them under our Seal: It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by Us declared, no Orders of Court afterwards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies.

In Witness whereof we have hereunto set our Common Seal, the 24th of *July* 1621, and in the Year of the Reign of our Sovereign Lord, *JAMES*, King of *England &c.* the **** and of *Scotland* the ***

GRANT

* M. S. *Officer.*

† M. S. *very and extraordinary important*; which likewise makes Sense, taking *extraordinary* adverbially.

|| M. S. *for present.*

‡ M. S. *Court.*

GRANT of NOVA SCOTIA to Sir WILLIAM ALEXANDER.

[Memoires de L'Amerique, Tom. II. P. 193.]

JACOBUS, Dei gratia, Magnæ Britanniae, Franciæ et Hiberniæ Rex, Fideique Defensor: Omnibus probis hominibus totius terræ suæ, clericis et laïcis, SALUTEM. Sciatis nos semper ad quamlibet, quæ ad decus et emolumentum regni nostri Scotiæ spectaret, occasionem amplectendam fuisse intentos, nullamque aut faciliorem aut magis innoxiam acquisitionem censere, quam quæ in exteris & incultis regnis, ubi vitæ et victui suppetunt commoda, novis deducendis coloniis facta sit; præsertim, SI VEL IPSA REGNA CULTORIBUS PRIUS VACUA, VEL AB INFIDELIBUS, quos ad christianam converti fidem ad Dei gloriam interest plurimum, INSESSA FUERINT; sed cum et alia nonnulla regna, et hæc non ita pridem nostra Anglia, laudabiliter sua nomina novis terris acquisitis et à se subactis indiderunt, quàm numerosa et frequens divino beneficio hæc gens hâc tempestate sit nobiscum reputantes, quàmque honesto aliquo et utili cultu eam studiose exerceri, ne in deteriora ex ignaviâ et otio prolabatur, expediat, plerosque in novam deducendos regionem, quàm coloniis compleant, operæ pretium duximus; qui et animi promptitudine et alacritate, corporumque robore et viribus, quibuscunque difficultatibus, si qui alii mortalium uspiam, se audeant opponere; hunc conatum huic regno maximè idoneum indè arbitramur, quòd virorum tantummodò et mulierum, jumentorum et frumenti, non etiam pecuniæ transvectionem postulat; neque incommodum, quòd ex ipsius regni mercibus retributionem hoc tempore, cùm negotiatio adedò immunita sit, possit reponere. Hisce de causis, sicuti & propter bonum fidele & gratum dilecti nostri consilarii domini Willielmi Alexandri Equitis, servitium nobis præstitum et prestandum, qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit, diversasque terras infrà designatis limitibus circumscriptas incolendas expetiverit, Nos igitur, ex regali nostrâ ad christianam religionem propagandam, et opulentiam, prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostræ Scotiæ acquirendam curâ, sicuti alii Principes extranei in talibus casibus hætenus fecerunt, cùm avisamento et consensu præ dilecti nostri consanguinei et consilarii Joannis Comitis de Mar domini Erskine et Eareoch, summi nostri Thesaurarii computorum, Rotulitoris, Collectoris ac Thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiæ, ac reliquorum dominorum nostrorum Commissionariorum ejusdem regni nostri, dedimus, concessimus et disposuimus, tenoreque præsentis chartæ nostræ damus, concedimus, et disponimus, præfato domino Willielmo Alexandro hæreditibus suis vel assignatis quibuscunque hæreditamentis, omnes et singulas terras contin-

nentis

nentis et infulas, situatas et jacentes in Americâ, intrâ caput seu promontorium communiter *Cap de Sable* appellatum, jacens propè latitudinem quadraginta trium graduum, aut eò circa ab equinoctiali lineâ versùs septentrionem, à quo promontorio versùs littus maris tendens ad occidentem ad stationem navium Sanctæ Mariæ, vulgò *Saint Mary's Bay*, et deinceps versùs septentrionem per directam lineam introitum, sive ostium magnæ illius stationis navium trajicientem, quæ excurrit in terræ orientalem plagam inter regiones Suriquorum et Hecheminorum vulgò *Souriquois* et *Etehemins*, ad fluvium vulgò nomine Sanctæ Crucis appellatum, et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem, qui se primum prædicto fluvio immiscet; unde per imaginariam directam lineam quæ pergere per terram seu currere versùs septentrionem concipietur ad proximam navium stationem, fluvium vel scaturiginem in magno fluvio de *Canada* sese exonerantem; et ab eo pergendo versùs orientem per maris oras littorales ejusdem fluvii de *Canada*, ad fluvium stationem navium portum aut littus communiter nomine de *Gachepe* vel *Gaspé* notum et appellatum; et deinceps versùs Euronotum ad infulas *Baccalaos* vel *Cap-Breton* vocatas, relinquendo easdem infulas à dextrâ, et voraginem dicti magni fluvii de *Canada*, sive magnæ stationis navium, et terras de Newfoundland cum infulis ad easdem terras pertinentibus à sinistrâ, et deinceps ad Caput sive Promontorium de *Cap-Breton* prædictum, jacens propè latitudinem quadraginta quinque graduum aut eò circa; et à dicto promontorio de *Cap-Breton* versùs meridiem et occidentem ad prædictum *Cap de Sable* ubi incepit perambulatio includens et comprehendens intrâ prædictas maris oras littorales ac earum circumferentias à mari ad mare, omnes terras continentes cum fluminibus, torrentibus, sinibus, littoribus, infulis, aut maribus jacentibus propè aut infrâ, sex leucas ad aliquam earumdem partem, ex occidentali, boreali vel orientali partibus orarum littoralium et præcinctuum earumdem, & ab Euronoto ubi jacet *Cap-Breton*, et ex australi parte ejusdem (ubi est *Cap de Sable*) omnia maria ac infulas versùs meridiem intrâ quadraginta leucas dictarum orarum littoralium earumdem, magnam infulam vulgariter appellatam *Ile de Sable* vel *Sablon* includendo, jacentem versùs Carban, vulgo south south east, circa triginta leucas à dicto *Cap-Breton* in mari, et existentem in latitudine quadraginta quatuor graduum aut eò circa. Quæ quidem terræ prædictæ omni tempore futuro, nomine Novæ Scotiæ in Americâ gauebunt, quas etiam præfatus dominus Willielmus in partes et portiones sicut ejusvisum fuerit divider, iisdemque nomina pro beneplacito imponet, unâ cum omnibus fodinis tam regalibus auri et argenti, quàm aliis fodinis ferri, plumbi, cupri, stanni, æris, ac aliis mineralibus quibuscunque, cum potestate effodiendi et de terra effodere causandi, purificandi, et repurgandi easdem, et convertendi ac utendi suo proprio usui, aut aliis usibus quibuscunque, sicuti dicto domino Willelmino Alexandro hæredibus suis, vel assignatis, aut iis quos suo loco in dictis terris stabilire ipsum contigerit, visum fuerit, reservando solummodò nobis et successoribus nostris decimam par-

tem metalli vulgò *Oare*, auri et argenti quòd ex terrâ in posterum effodietur aut lucrabitur, relinquendo dicto domino Willielmo suisque prædictis, quodcumque ex aliis metallis cupri, chalybis, ferri, stanni, plumbi, aut aliorum mineralium nos vel successores nostri quovis modi exigere possumus, ut eo facilius magnos sumptus in extrahendis præfatis metallis tolerare possit, unâ cum margaritis vulgò *pearle*, ac lapidibus pretiosis, quibuscunque aliis lapidibus, sylvis, virgultis, boscis, marefcis, lacubus, aquis, piscationibus, tam in aquâ falsâ quàm recenti, tam regalium piscium quam aliorum, venatione, aucupatione, commoditatibus et hæreditamentis quibuscunque, unâ cum plenariâ potestate, privilegio et jurisdictione liberâ regalitatis, Capellæ et Cancellariæ, in perpetuum; cumque donatione et Patronatûs jure Ecclesiarum Capellaniarum, et Beneficiorum, cum tenentibus, tenandis et liberè tenentium servitiis earumdem, unâ cum officiis Justiciariæ et Admiralitatis respectivè infrâ omnes bondas respectivè supramentionatas; unâ cum potestate civitates, liberos burgos, liberos portus, villas et burgos Baronie, erigendi, ac fora et nundinas infrâ bondas dictarum terrarum constituendi, curias justiciariæ et admiralitatis infrâ limites dictarum terrarum, fluviorum, portuum et marium tenendi, unâ etiam cum potestate imponendi, levandi et recipiendi omnia telonia, custumas, anchoragia, aliasque dictas burgorum fororum, nundinarum et liberorum portuum devorias, et easdem possidendi et gaudendi adèò liberè in omnibus respectibus, sicuti quivis Baro major aut minor in hoc regno nostro Scotiæ gavisus est aut gaudere poterit quovis tempore præterito aut futuro, cum omnibus aliis prærogativis, privilegiis, immunitatibus, dignitatibus, casualitatibus, proficiis et devoriis ad dictas terras, maria et bondas earumdem spectantibus et pertinentibus, et quæ nos ipsi dare et concedere possumus adèò liberâ et amplâ formâ, sicuti nos, ut aliquis nostrorum nobilium Progenitorum, aliquas chartas, patentes litteras, infeofamenta, donationes aut diplomata concefferunt cuivis subdito nostro, cujuscunque qualitatibus aut gradûs, cuivis societati aut communitati tales colonias in quascunque partes extraneas deducendi, aut terras extraneas investigandi, in adèò liberâ et amplâ forma, sicuti eadem in hâc præsentî charta nostra infereretur. Facimus etiam, constituimus et ordinamus dictum dominum Willielmum Alexandrum, hæredes suos, aut assignatos, vel eorum deputatos, nostros hæreditarios Locum-tenentes generales, ad representandum nostram personam Regalem, tam per mare quàm per terram, in regionibus, maris oris ac finibus prædictis, in petendo dictas terras, quamdiù illic manserit, et redeundo ab eisdem, ad gubernandum et regendum & puniendum omnes nostros subditos, quos ad dictas terras ire aut easdem inhabitare contigerit, aut qui negotiationem cum eisdem suscipient, vel in iisdem locis remanebunt, ac eisdem ignoscendum; et ad stabilendum tales leges, statuta, constitutiones, directiones, instructiones, formas gubernandi, et Magistratuum ceremonias infrâ dictas bondas, sicuti ipsi eomino Willielmo Alexandro, aut ejus prædictis ad gubernationem dictæ regionis et ejusdem incolarum, in omnibus causis tam

criminalibus

criminalibus quàm civilibus visum fuerit; et easdem leges, regimina, formas et ceremonias alterandum et mutandum, quoties sibi vel suis prædictis pro bono et commodo dictæ regionis placuerit, ità ut leges tam legibus hujus regni nostri Scotiæ, quàm fieri possunt, sint concordantes. Volumus etiam ut in casu rebellionis aut seditionis, legibus utatur militaribus adversus delinquentes vel imperio ipsius sese subtrahentes, adeo liberè, sicuti aliqui Locum-tenentes cujusvis regni nostri vel domini, virtute officii Locum-tenentis, habent vel habere possunt, excludendo omnes alios Officiarios hujus regni nostri Scotiæ, terrestres vel maritimos qui in posterum aliquid juris *Clame*, commoditatis, autoritatis, aut interesse in et ad dictas terras aut provinciam prædictam vel aliquam inibi jurisdictionem, virtute alicujus præcedentis dispositionis aut diplomatis pretendere possint; et ut viris honesto loco natis ad expeditionem istam subeundam, et ad coloniæ plantationem in dictis terris, addatur animus, Nos pro nobis nostrisque successoribus et hæredibus, cum avifamento et consensu prædictis, virtute præsentis cartæ nostræ damus et concedimus liberam et plenariam potestatem præfato domino Willielmo Alexandro suisque prædictis, conferendi favores, privilegia, munia, et honores in demerentes, cum plenariâ potestate eisdem aut eorum alicui quos cum ipso domino Willielmo, suisque prædictis, pactiones vel contractus facere pro eisdem terris contigarit sub subscriptione suâ vel suorum prædictorum, et sigillo infrà mentionato, aliquam portionem vel portiones dictarum terrarum, portuum, navium, stationum, fluviorum, aut præmissorum alicujus partis, disponendi, et extradonandi, erigendi etiam omni generum machinas, artes, facultates vel scientias, aut easdem coercendi in toto vel in parte, sicuti ei pro bono ipsorum visum fuerit, dandi etiam, concedendi et attribuendi talia officia, titulos, jura et potestates, constituendi et designandi tales Capitaneos, Officiarios, Balivos, Gubernatores, omnesque alios regalitatis, baroniæ et burgi Officiarios, aliosque Ministros pro administratione justitiæ infrà bondas dictarum terrarum, aut in viâ dum terras istas petunt per mare et ab eisdem redeunt, sicuti ei necessarium videbitur secundum qualitates, conditiones, et personarum merita, quas in aliquâ coloniarum dictæ provinciæ, aut aliquâ ejusdem parte habitare contigerit, aut quæ ipsorum bona vel fortunas pro commodo et incremento ejusdem periculo permittent, et easdem ab officio removendi, alterandi et mutandi, prout ei suisque præscriptis expediens videbitur; et cum hujus conatus non sine magno labore et sumptibus fiant, magnamque pecuniæ largitionem requirant, adè ut privati cujusvis fortunas excedant et multorum suppetiis indigeant, ob quam causam præfatus dominus Willielmus Alexander, suisque præscripti, cum diversis nostris subditis aliisque pro particularibus periculationibus et susceptionibus ibidem, qui fortè cum eo suisque hæredibus assignatis vel deputatis pro terris, piscationibus, mercimoniis aut populi transportatione, cum ipsorum pecoribus, rebus et bonis versus dictam Novam Scotiam contractus inibunt, Volumus ut quicumque contractus cum dicto domino Willielmo, suisque prædictis, sub ipsorum subscriptionibus

bus et sigillis expedient, limitando, assignando et affigendo diem et locum pro personarum et bonorum et rerum ad navem deliberatione, sub penâ, et forisfacturâ cuiusdam monetæ summæ et eisdem contractus non perficient, sed ipsum frustrabunt, et in itinere designato ei nocebunt, quod non parvo dicto domino Willielmo, suisque prædictis, poterit esse prejudicio et nocumento, verum etiam nostræ tam laudabili intentioni obstabit et detrimentum inferet, tum licitum erit præfato domino Willielmo, suisque prædictis, vel eorum deputatis et conservatoribus infra mentionatis, in eo casu, sibi suisque prædictis, quos ad hunc effectum substituet, omnes tales summas monetæ, bona, res forisfactas per talium contractuum violationem, assumere; quod ut facilius fiat et legum prolixitas evitetur, dedimus et concessimus, tenoreque præsentis cartæ nostræ damus et concedimus, plenam licentiam, libertatem et potestatem dicto domino Willielmo, suisque hæredibus et assignatis prædictis eligendi, nominandi, et assignandi, et ordinandi libertatum et privilegiorum, per presentem cartam nostram sibi suisque prædictis concessorum, Conservatorem, qui expeditæ executioni leges et statuta per ipsum suosque prædictos facta, secundum potestatem ei suisque prædictis per dictam nostram chartam concessam, demandet, volumusque et ordinamus potestatem dicti Conservatoris in actionibus et causis ad personas versus dictam plantationem contrahentes spectantibus, absolutam esse, sine ullâ appellatione aut procrastinatione quacunque; qui quidem Conservator possidebit et gaudebit omnia privilegia immunitates, libertates et dignitates quascunque, quæ quivis Conservator Scoticorum privilegiorum apud Extraneos vel in Galliâ, Flandriâ aut alibi hætenus possederunt aut gavisi sunt, quovis tempore præterito; et licet omnes tales contractus inter dictum dominum Willielmum, suosque prædictos, et prædictos periclitatores per periclitationem et transportationem populorum, cum ipsorum bonis et rebus ad statutum diem perficientur, et ipsi cum suis omnibus pecoribus et bonis ad littus illius provincie animo coloniam ducendi et remanendi appellent, et nihilominus postea vel omnino provinciam Novæ Scotiæ et ejusdem confinia sine licentiâ dicti domini Willielmi, ejusque prædictorum vel eorum deputatorum, vel societatem et coloniam prædictam ubi primum combinati et conjuncti fuerint derelinquent, et ad agrestes Indigenas in locis remotis et in desertis habitandum sese conferent, quod tunc amittent et forisfacient omnes terras ipsis prius concessas, omnia etiam bona infra omnes prædictas bondas, et licitum erit prædicto domino Willielmo, suisque prædictis, eadem fisco applicare, et easdem terras recognoscere, eademque omnia ad ipsos vel eorum aliquem quovis modo spectantia possidere, et suo peculiari usui suorumque prædictorum convertere; et ut omnes dilecti nostri subditi, tam regnorum nostrorum et dominiorum, quam extranei alii, quos ad dictas terras aut aliquam earumdem partem ad mercimonia contrahenda navigare contigerit, melius sciant, et obedientes sint potestati et authoritati per nos in prædictum fidelem nostrum Consiliarium dominum Willielmum Alexandrum suosque prædictos collatis in omnibus talibus commissionibus,

warrantiis,

warrantiis, contractibus, quos quovis tempore futuro faciet, concedet et constituet pro decentiori et validiori constitutione officiariorum, pro gubernatione dictæ coloniae concessione terrarum et executione iustitiæ dictos inhabitantes, periclitantes, deputatos, factores vel assignatos tangente, in aliquâ terrarum parte, vel in navigatione ad easdem terras, Nos cum avisamento et consensu prædictis, ordinamus quòd dictus dominus Willielmus Alexander, sui que prædicti unum communè sigillum habebunt, ad officium Locum-tenentis iusticiariæ et admiralitatis spectans, quòd per dictum dominum Willielmum Alexandrum suosque prædictos, vel per deputatos suos omni tempore affuturo custodietur, in cuius uno latere nostra insignia insculpentur, cum his verbis in ejusdem circulo et margine: *Sigillum Regis Scotiae, Angliae, Franciæ et Hiberniæ*, et in altero latere, imago nostra nostrorumque successorum cum his verbis (*pro Novæ Scotiæ Locum-tenente*), cuius justum exemplar in manibus ac custodiâ dicti Conservatoris remanebit quo, pro ut occasio requiret, in officio suo utetur; et cum maximè necessarium sit ut omnes dilecti nostri subditi, quotquot dictam provinciam novæ Scotiæ vel ejus confines incolent, in timore omnipotentis Dei, et vero ejus cultu simul vivant, omni conamine intendentes christianam Religionem ibi stabilire, pacem etiam et quietem cum inhabitantibus incolis et agrestibus Aboriginibus earumdem terrarum colere, undè ipsi et eorum quilibet mercimonia ibi exercentes tutè cum oblectamento ea quæ magno cum labore et periculo acquisiverunt quietè possidere possint, Nos pro nobis nostrisque successoribus volumus, nobisque visum est per præsentis cartæ nostræ tenorem dare et concedere dicto domino Willielmo Alexandro, suisque prædictis, et eorum deputatis vel quibuscumque aliis Gubernatoribus, Officiariis et Ministris, quos ipsi constituent, liberam et absolutam potestatem tractandi et pacem, affinitatem, amicitiam, mutua colloquia, operam, ac communicationem cum agrestibus illis aboriginibus, et eorum principibus vel quibuscumque aliis regimen et potestatem in ipsos habentibus contrahendi, observandi et alendi tales affinitates et colloquia, quæ ipsi vel sui prædicti cum iis contrahent, modo fœdera illa ex adversâ parte per ipsos Sylvestres fideliter observentur; quòd nisi fiat arma contra ipsos sumendi quibus redigi possunt in ordinem sicuti dicto Willielmo suisque prædictis et deputatis, pro honore, obedientia et Dei servitio, ac stabilimento, defensione et conservatione autoritatis nostræ inter ipsos expediens videbitur, cum potestate etiam prædicto domino Willielmo Alexandro suisque prædictis, per ipsos vel eorum deputatos, substitutos vel assignatos, pro ipsorum defensione, tutelâ, omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato, invadendi, expellendi et armis repellendi, tam per mare, quam per terram, omnibus modis, omnes et singulos, qui sine speciali licentiâ dicti domini Willelmi suorumque prædictorum terras inhabitare aut mercaturam facere in dictâ Novæ Scotiæ provinciâ aut quâvis ejus parte conabuntur, et similiter omnes alios quoscumque qui aliquid damni, detrimenti, destructionis, læsionis vel invasionis contra provinciam illam aut ejusdem in-

colas inferre præfument. Quòd ut faciliùs fiat, licitum erit dicto domino Willielmo suisque prædictis eorum deputatis, factoribus et assignatis, contributiones à periclitantibus et incolis ejusdem levare, in unum cogere, per proclamationes vel alio quovis ordine talibus temporibus, sicuti dicto domino Willielmo suisque prædictis expediens videbitur, omnes nostros subditos infrà dictos limites dictæ provinciæ novæ Scotiæ inhabitantes, et mercimonia ibidem exercentes convocare pro meliore exercitio, necessariorum supplemento, et populi et plantationis dictarum terrarum augmentatione et incremento, cum plenariâ potestate, privilegio et libertate dicto domino Willielmo Alexandro suisque prædictis, per ipsos vel eorum substitutos, per quævis maria sub nostris insignibus et vexillis navigandi, cum tot navibus tanti oneris, et tam benè munitione viris et victualibus instructis, sicuti poterunt parare quovis tempore et quoties eis videbitur expediens; ac omnes cujuscunque qualitatis et gradus personas subditos nostros existentes aut qui imperio nostro sese subdere ad iter illud fuscipiendum voluerint, cum ipsorum jumentis, equis, bobus, ovibus, bonis et rebus omnibus, munitionibus, machinis, majoribus armis et instrumentis militaribus quotquot voluerint, aliisque commoditatibus et rebus necessariis pro usu ejusdem coloniæ, mutuo commercio cum nativis inhabitantibus earum provinciarum, aut aliis qui cum ipsis plantationibus mercimonia contrahant, transportandi; et omnes commoditates et mercimonia, quæ iis videbuntur necessaria, in regnum nostrum Scotiæ, sine alicujus taxationis, customæ, aut impositionis pro eisdem solutione nobis vel nostris customariis aut eorum deputatis inde portandi, eosdem ab eorum officiis in hac parte pro spatio septem annorum diem datæ presentium immediatè sequentium inhibendo. Quam quidem solam commoditatem per spatium tredecim annorum in posterum liberè concessimus, tenoreque præsentis chartæ nostræ concedimus et disponimus dicto domino Willielmo, suisque prædictis, secundum proportionem quinque procentum, postea mentionatam; et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus, ex omnibus bonis et mercimoniis quæ ex hoc regno nostro Scotiæ ad eandem provinciam, vel ex ea provincia ad dictum regnum nostrum Scotiæ exportabuntur vel importabuntur, in quibusvis hujus regni nostri portibus per dictum Willielmum suosque prædictos, tantum quinque libras pro centum secundum antiquum negociandi morem, sine ullâ aliâ impositione, taxatione, customâ vel devoriâ ab ipsis in perpetuum levare et exigere; quæ quidem summa quinque librarum pro centum, cum sit soluta per dictum dominum Willielmum suosque prædictos, nostris Officiariis ad hunc effectum constitutis; exindè licitum erit dicto domino Willielmo suisque prædictis eadem bona de nostro hoc regno Scotiæ, in quasvis alias partes vel regiones extraneas, sine alicujus alterius customæ, taxationis vel devoriæ solutione nobis vel nostris hæredibus aut successoribus aut aliquibus aliis, transportare et avehere, proviso tamen quod dicta bona infrà spatium tredecim mensium post ipsarum, in quovis hujus regni nostri portu appulsionem navi rursus imponantur: Dando et concedendo abso-

lutam

lutam et plenarium potestatem dicto domino Willielmo suisque prædictis, ab omnibus nostris subditis qui colonias deducere, mercimonia exercere, aut ad easdem terras Novæ Scotiæ, et ab eisdem navigare voluerint, præter dictam summam nobis debitam, pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiæ, ad provinciam Novæ Scotiæ vel importationis à dicta provincia ad regnum hoc nostrum Scotiæ prædictæ, in ipsius ejusque prædictorum proprios usus sumendi, levandi, et recipiendi, et similiter de omnibus bonis et mercimoniis, quæ per dictos nostros subditos coloniarum ductores, negotiatores et navigatores de dicta provincia Novæ Scotiæ, ad quævis nostra dominia aut alia quævis loca exportabuntur, vel à nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur, ultra et supra dictam summam nobis destinamam quinque libras de centum, et de bonis et mercimoniis omnium extraneorum aliorumque sub nostra obedientia minimè existentium, quæ vel de provincia Novæ Scotiæ exportabuntur, vel ad eandem importabuntur, ultra et supra dictam summam nobis destinamam, decem libras de centum dicti domini Willielmi suorumque prædictorum, propriis usibus per tales Ministros, Officiarios vel Substitutos eorumve deputatos aut factores, quos ipsi ad hunc effectum constituent et designabunt, levandi, sumendi et recipiendi, pro meliori dicti domini Willielmi suorumque prædictorum, aliorumque omnium dictorum nostrorum subditorum, qui dictam Novam Scotiam inhabitare, vel ibidem mercimonia exercere voluerint, securitate et commoditate, et generaliter omnium aliorum qui nostræ authoritati et potestati sese subdere non gravabuntur, nobis visum est, volumusque quod licitum erit dicto domino Willielmo suisque prædictis, unum aut plura munimina, propugnacula, castella, loca fortia, specula, armamentaria, *the blockhouses*, aliaque ædificia cum portubus et navium stationibus ædificare vel ædificari causare, unà cum navibus bellicis, easdemque pro defensione dictorum locorum applicare, sicuti dicto domino Willielmo suisque prædictis, pro dicto conamine perficiendo necessarium videbitur, proque ipsorum defensione militum catervas ibidem stabilire, præter prædicta supra mentionata, et generaliter omnia facere quæ pro conquestu, augmentatione populi, inhabitatione, præservatione et gubernatione dictæ Novæ Scotiæ, ejusdemque orarum et territorii infra omnes hujus limites pertinentias et dependentias sub nostro nomine et authoritate, quodcunque, nos si personaliter essemus præsentem facere poterimus, licet casus specialem et strictam magis ordinationem, quam per præsentem præscribitur, requirat; cui mandato volumus et ordinamus, strictissimèque præcipimus omnibus nostris Justiciariis, Officiariis et subditis ad loca illa sese conferentibus ut sese applicent, dictoque domino Willielmo suisque prædictis, in omnibus et singulis supramentionatis earum substantiis, circumstantiis et dependentiis intendant et obediant, eisque in earum executione in omnibus adeò sint obedientes ut nobis cujus personam repræsentat, esse deberent, sub pœnni disobedientiæ et rebellionis; et quia fieri potest quoddam ad dicta loca transportandi refractorii sint, et ad eadem loca ire recusabunt, aut dicto domino Willielmo suisque prædictis resistent, Nobis igitur placet quòd omnes Vice comites

comites, Senescali, regalitatis Balivi, pacis Justiciarii, Præpositi, et urbium Balivi, eorumque officarii et justitiæ Ministri quicunque, dictum dominum Willielmum suoque deputatos, aliosque prædictos in omnibus et singulis legitimis rebus, et factis quæ faciant aut intendunt ad effectum prædicti, similiter et eodem modo sicuti nostrum speciale warrantum ad hunc effectum, habere assistent, fortificent, et eisdem suppetias ferant. Declaramus insuper per præsentis chartæ nostræ tenorum omnibus christianis Regibus, Principibus et Statibus, quòd si aliquis vel aliqui, qui in posterum in dictis coloniis vel de earum aliquâ sit in dictâ provinciâ Novæ Scotiæ, vel aliqui alii sub eorum licentia vel mandato quovis tempore futuro piraticam exercentes per mare vel terram, bona alicujus abstulerint, vel aliquod injustum aut molestum hostiliter commiserint contra aliquos nostros nostrorum hæredum et successorum, aut aliorum Regum, Principum, Gubernatorum aut statuum in fœdere nobiscum existentium subditos, quòd talia bona sic oblata, aut justa querela desuper mota per aliquem Regem, Principem, Gubernatorem, Statum vel eorum subditos prædictos, nos nostri hæredes et successores publicas proclamationes fieri curabimus in aliqua parte dicti regni nostræ Scotiæ ad hunc effectum magis commoda, ut dictus pirata vel piratæ; qui tales rapinas committent statu tempore per præfatas proclamationes limitando, plenariè restituant quæcunque bona sic ablata, et pro dictis injuriis omnimodo satisfaciant, ita ut dicti Principes, alique sic conquerentes satisfactos se esse reputent, et quòd si talia facinora committent, bona ablata non restituent aut restitui facient infra limitatum tempus, quòd tunc in posterum sub nostrâ protectione et tutelâ minime erunt, et quòd licitum erit omnibus Principibus, aliisque prædictis, delinquentes eos hostiliter prosequi et invadere; et licet neminem nobilem aut generosum de patriâ hac sine licentia nostra decedere statutum sit, nihilominus volumus quòd præfens hoc diploma sufficiens erit licentia et warrantum omnibus qui huic itineri sese committent qui læsæ Majestatis non sunt rei vel aliquo alio speciali mandato inhibiti, atque etiam per præsentis chartæ tenorem declaramus, volumusque, quod nemo de patria hac decedere permittatur versùs dictam Novam Scotiam in illo tempore, nisi ii qui juramentum suprematatis nostræ primum susceperunt, ad quem effectum nos per præfentes dicto domino Willielmo, suisque prædictis vel eorum conservatori, vel deputatis idem hoc juramentum omnibus personis versùs illas terras in ea colonia sese conferentibus requirere et exhibere plenariam potestatem et auctoritatem damus et concedimus; præterea nos cum avisamento et consensu prædicto pro nobis et successoribus nostris declaramus, decernimus et ordinamus, quod omnes nostri subditi, qui ad dictam Novam Scotiam proficiscuntur aut eam incolent, eorumque omnes liberi et posteritas qui ibi nasci contigerint, alique omnes ibidem periclitantes habebunt et possidebunt omnes libertates, immunitates et privilegia liberorum et naturalium subditorum nostri regni Scotiæ, aut aliorum nostrorum dominiorum, sicuti ibidem nati fuissent. Insuper nos pro nobis et successoribus nostris, damus et concedimus dicto

domino

domino Willielmo Alexandro, suisque prædictis, liberam potestatem stabiliendi et cudere cauſandi monetam pro commercio liberiori inhabitantium dictæ provinciæ, cuiusvis metalli, quo modo et qua forma voluerint et eisdem præſcribent; atque etiam si quæ quæſtiones aut dubia super interpretatione aut constructione alicujus clausulæ in hac præſenti chartà nostra contentæ occurrant, ea omnia ſumentur et interpretabuntur in ampliſſima forma et in favorem dicti domini Willielmi, ſuorumque prædictorum. Præterea nos ex certa noſtra ſcientia, proprio motu, autoritate regali et potestate regia, fecimus, univimus, annexavimus et ereximus, creavimus, et incorporavimus, tenoreque præſentis chartæ noſtræ, facimus, unimus, annexamus, erigimus, creamus et incorporamus totam et integram prædictam provinciam et terras Novæ Scotiæ, cum omnibus circumdem limitibus maribus ac mineralibus auri et argenti, plumbi, cupri, chalybis, ſtanni, æris, ferri, aliisque quibuscumque fodinis, margaritis, lapidibus pretioſis, lapidibus, ſylvis, virgultis, boſcis, mareſcis, læcubus, æquis, piſcationibus, tam in aquis dulcibus quam ſaliſis tam regalium piſcium quam aliorum, civitatibus liberis, portubus liberis, burgis, urbibus, Baroniarum burgis, maris portubus, anchoragiis, machinis, molendinis, officiis et juridiſctionibus, omnibusque aliis generaliter et particulariter ſuprà mentionatis, in unum integrum et liberum dominium et baroniam per prædictum nomine Novæ Scotiæ omnitempore futuro appellandum; volumusque et concedimus, ac pro nobis et ſucceſſoribus decernimus et ordinamus quod unica ſeiſina nunc per dictum dominum Willielmum ſuosque prædictos, omni tempore affuturo ſuper aliquam partem fundi dictarum terrarum et provinciæ præſcriptæ, ſtabit et ſufficiens erit ſeiſina pro totâ regione, cum omnibus partibus, pendiculis, privilegiis, caſualtatibus, libertatibus et immunitatibus ejuſdem ſuprà mentionatis, abſque aliquâ aliâ ſpeciali aut particulari ſeiſinâ per ipſum, ſuosque prædictos, apud aliam aliquam partem vel ejuſdem locum capiendâ; penes quàm ſeiſinam omniaque quæ indè ſecuta ſunt aut ſequi poſſunt; nos cum aviſamento et conſenſu prædicto pro nobis et ſucceſſoribus noſtris diſpenſavimus, tenoreque præſentis chartæ noſtræ modo ſubtus mentionato diſpenſamus, in perpetuum tenendi et habendi in totum et integrum dictam regionem et dominium Novæ Scotiæ, cum omnibus ejuſdem limitibus infra prædicta maria, mineralibus auri et argenti, cupri, chalybis, ſtanni, ferri, æris, aliisque quibuscumque fodinis, margaritis, lapidibus pretioſis, lapidibus, ſylvis, virgultus, boſcis, mareſcis, læcubus, aquis, piſcationibus, tam in aquis dulcibus quam ſaliſis, tam regalium piſcium quam aliorum, civitatibus liberis, burgis, liberis portubus, urbibus, Baroniarum burgis, maris portubus, anchoragiis, machinis, molendinis, officiis et juridiſctionibus, omnibusque aliis generaliter, et particulariter ſuprà mentionatis, cumque omnibus aliis privilegiis, libertatibus, immunitatibus, caſualtatibus, aliisque ſuprà expreſſis præfato domino Willielmo Alexandro, hæredibus ſuis et assignatis, de nobis noſtrisque ſucceſſoribus in feodo, hæreditate, libero dominio, libera baronia

baronia et regalitate in perpetuum, modo suprà mentionato, per omnes rectas metas et suos limites, prout jacent in longitudine et latitudine, in domibus, ædificiis ædificatis et ædificandis, bovis, planis, boscis, marefcis, viis semitis, aquis, stagnis, rivulis, pratis, pascuis et pasturis, molendinis, multurus et eorum sequelis, aucupationibus, venationibus, piscationibus, petadiis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brafinis, brueriis et genistis, sylvis, nemoribus et virgultus lignis, lapicidinis, lapide et calce, cum curiis et earum exitibus, hæregeldis, bludvillis, et mulierum merchetis cum furcâ foflâ, *foh, fak, thole, thane, infangthief, out fangthief, out, wrark, wawi, weck, vennyfene, pit & gallous*, ac cum omnibus aliis et fingulis libertatibus, commoditatibus, proficuis, aifamentis ac iustis fuis pertinentibus quibuscumque, tam non nominatis quàm nominatis, tam fubtus terram quàm suprà terram, procul vel propè ad prædictam regionem fpectantibus, feu iustè fpectare valentibus, quomodò libet in futurum liberè, quietè, plenariè, integre, honorifice, bene et in pace, absque ullâ revocatione, contradicitione, impedimento aut obstaculo aliquali; solvendo inde, annuatim dictus, dominus Willielmus Alexander fuique prædicti nobis nostrisque, hæredibus et fuccefforibus, unam denarium monetæ Scotiæ superfundum dictarum terrarum et provinciæ Novæ Scotiæ ad festivum Nativitatis Christi, nomine *Albæ firmæ*, si petatur tantum. Et quia intentione dictarum terrarum et provinciæ Novæ Scotiæ, et Albâ firmâ prædicta deficiente, tempestivo et legitimo introitu cujusves hæredis vell hæredum dum dicti domini Willielmi sibi fuccedentium, quòd difficulter per ipsos præari potest ob longinquam distantiam ab hoc regno nostro, cadent terræ et provinciæ, ratione non introitus, in manibus nostris nostrorumque fuccefforum usque ad legitimum legitimi hæredis introitum; et nos nolentes dictas terras et regionem quovis tempore in non introitu cadere, neque dictum dominum Willielmum suosque prædictos beneficiis et proficuis ejusdem eatenus frustrari, idcirco nos cum avifamento prædicto cum dicto introitu, quandocunque contigerit, difpenfavimus tenoreque præfentis chartæ nostræ pro nobis et fuccefforibus nostris difpenfamus, ac etiam renuntiavimus et exoneravimus, tenoreque ejusdem chartæ nostræ, cum consensu prædicto, renuntiamus, et exoneramus dictum dominum Willielmum ejusque præfcriptos circà præfatum non introitum dictæ provinciæ et regionis, quandocunque in manibus nostris deveniet, aut ratione non introitus cadet, cum omnibus quæ de super fequi poffunt; provifio tamen quòd dictus dominus Willielmus, fuique hæredes et assignati, infrà spatium feptem annorum post decessum et obitum fuorum predecefforum aut introitum ad poffeffionem dictarum terrarum aliorumque prædictorum, per ipsos vel eorum legitimos poffeffores ad hunc effectum potestatem habentes, nobis nostrisque fuccefforibus homagium faciant, et dictas terras dominium et baroniam aliaque prædicta adeant, et per nos recipiantur fecundum leges et ftatuta dicti regni nostri Scotiæ Denique nos pro nobis and fuccefforibus nostris, volumus, decernimus et ordinamus præfentem

præsentem hanc nostram chartam, et infeofamentum superscriptum prædictarum terrarum domini et regionis Novæ Scotiæ privilegia et libertates ejusdem, in proximo nostro Parlamento dicti regni nostri Scotiæ, cum contigerit, ratificari, approbati et confirmari, ut vim et efficaciam decreti inibi habeat, penes quod pro nobis et successoribus nostris declaramus hanc nostram chartam fore, sufficiens warrantum, et in verbo Principis eandem ibi ratificari et approbati promittimus, atque etiam alterare, renovare, et eandem in amplissimâ formâ erigere et extendere, quoties dicto domino Willielmo, ejusque prædictis, necessarium et expediens videbitur. Insuper nobis visum est, ac mandamus et præcipimus dilectis nostris

Vice comitibus nostris in hac parte specialiter constitutis, quatenus post hujus chartæ nostræ, nostro sub magno sigillo aspectum, statum et seisinam actualem et realem præfato domino Willielmo, suisque prædictis, eorumve actornato vel actornatis, terrarum domini baroniæ aliorumque prædictorum, cum omnibus libertatibus, privilegiis, immunitatibus, aliisque suprà expressis, dare et concedere, quam seisinam nos per præsentem chartæ nostræ tenorem adeo legitimam et ordinariam esse declaramus, ac si præceptum sub testimonio nostri magni sigilli in amplissimâ formâ cum omnibus clausulis requisitis ad hunc effectum prædictum haberet, penes quod pro nobis et successoribus nostris in perpetuum dispensamus. In cujus rei testimonium huic præsentem chartæ nostræ magnum sigillum nostrum apponi præcepimus: testibus prædictis nostris Confanguineis et Conciliariis, Jacobo Marchione de Hamilton, Comite Arcaniæ, domino Evan; Georgio Marefcalli, Comite, domino Keith, &c. regni nostri Marefcallo; Alexandro Comite de Dumfermline domino Fyerie, et nostro Cancellario; Thoma Comite de Melrofs, et nostro Secretario; dilectis nostris Familiaribus Consiliariis dominis Ricardo Cockburne, Juniori, de Clerkington, nostri secreti sigilli Custodi; Georgio Stay de Kinfarms, nostrorum Rotulorum registri ac consilii Clerico, et Joanne Scott de Scottistart, nostræ Cancellariæ Directore, militibus. Apud Castellum nostrum de Windfore, decimo die mensis Septembris, anno Domini millesimo sexcentesimo vigesimo primo, regnorumque nostrorum annis quinquagesimo quinto et decimo nono per signaturam manu. S. D. N. Regis suprà scripti, ac manibus Cancellarii Thesaurarii Principis Secretarii, ac reliquorum dominorum Commissariorum et secreti Consilii ejusdem regni Scotiæ subscriptæ.

I do hereby certify that this paper is a true copy compared with the original in the books of this office. Plantation office, Whitehall, July 12, 1750. Signed

THOMAS HILL.

T

LEAGUE

LEAGUE OF PEACE entered into by MASSASOUIET,* (*an Indian Sachem*)
and the FIRST SETTLERS of NEW-PLIMOUTH.

[New-England's Memorial, Page 31. A. D. 1621.]

I. **T**HAT neither he, nor any of his, should injure or doe hurt to any of their People.

II. That if any of his did any hurt to any of theirs, he should send the offender, that they might punish him.

III. That if any thing were taken away from any of theirs, he should cause it to be restored; and they should doe the like to his.

IV. That if any did unjustly warr against him, they should aid him; and if any did warr against them, he should aid them.

V. That he should send to his neighbour-confederates, to certifie them of this, that they might not wronge them, but might be likewise comprised in these conditions of peace.

VI. That when his men came to them upon any occasion, they should leave their arms (*which were then bows and arrows*) behind them.

VII. *Lastly*, That so doing, their Sovereign Lord King *James*, would esteem him as his friend and ally.

✻ *After the above, Mr. Morton, the Author of New-England's Memorial has inserted the following:*

"All which he liked well, and withal at the same time acknowledged himself content to become the subject of our Sovereign Lord the King aforesaid, his heirs and successors; and gave unto them all the lands adjacent, to them and their heirs forever."

The

* He lived at a place called Sowams, about forty miles distant from New Plimouth.

The SUBMISSION of NINE INDIAN SACHEMS to KING JAMES,

September 13, Anno Dom. 1621.

[New-England's Memorial, Page 39.]

KNOW all Men by these presents, That we whose Names are under-written, do acknowledge ourselves to be the loyal subjects of King JAMES, King of *Great-Britain, France, and Ireland*, Defender of the Faith, &c. In Witness whereof, and as a testimonial of the same, we have subscribed our names, or marks, as followeth:

<i>Obquamebud,</i>	<i>Nattawabunt,</i>	<i>Quadaquina,</i>
<i>Caronacome,</i>	<i>Caunbartant,</i>	<i>Huttamoiden,</i>
<i>Obbatinnua,</i>	<i>Chikkatabak,</i>	<i>Apadnow,</i>

A SERMON on the Sin and Danger of Self-Love, was preached at PLYMOUTH, in New-England, by Elder CUSHMAN, in 1620, and afterwards printed in London, with "An Epistle Dedicatory" prefixed, dated at Plymouth, December 12, 1621, from which the following Extracts are made.

"To his LOVING FRIENDS the ADVENTURERS for NEW-ENGLAND; together with all WELL-WILLERS and WELL-WISHERS thereunto, *Grace and Peace, &c.*

NEW-ENGLAND, so called, not only (to avoid novelties) because Captain *Smith* hath so intituled it in his Description, but because of the Resemblance that is in it, of *England* the native Soil of Englishmen: It being much what the same for heat and cold in Summer and Winter, it being Champion Ground, but not high mountains, somewhat like the soil in *Kent* and *Essex*, full of Dales and meddow Ground, full of Rivers and sweet Springs, as *England* is. But principally, so far as we can yet find, it is an Island, and near about the quantity of *England*, being cut out from the maine Land in *America*, as *England* is from the maine of *Europe*, by a great arm of the Sea, which entereth in forty Degrees, and runneth up North West and by West, and goeth out either into the South Sea, or else into the Bay

of *Canada*. The certainty whereof, and Secrets of which, we have not yet so found as that as eye-witnesses we can make narration thereof, but if God give time and means, we shall ere long, discover both the extent of that River, together with the secrets thereof; and also try what Territories, Habitations, or Commodities may be found, either in it, or about it.

It pertaineth not to my purpose to speak any thing, either in praise or dispraise of the Country; so it is by God's Providence, that a few of us are there planted to our content, and have with great Charge and Difficulty attained quiet and competent Dwellings there. And thus much I will say for the satisfaction of such as have any thought of going thither to inhabit; That for men which have a large heart, and look after great riches, ease, pleasures, dainties, and jollity in this World (except they will live by other mens sweat, or have great riches) I would not advise them to come there, for as yet the country will afford no such matters: But if there be any, who are content to lay out their Estates, spend their time, labours, and endeavours, for the benefit of them that shall come after and in desire to further the Gospel among those poor Heathens, quietly contenting themselves with such hardship and difficulties, as by God's Providence shall fall upon them, being yet young, and in their strength, such men I would advise and encourage to go, for their ends cannot fail them.

And who so rightly considereth, what manner of entrance, abiding, and proceedings, we have had among these poor Heathens since we came hither, will easily think, that God hath some great work to do towards them.

They were wont to be the most cruel and treacherous People in all these parts, even like Lions; but to us they have been like Lambs, so kind, so submissive, and trusty, as a man may truly say, many Christians are not so kind, nor sincere.

They were very much wasted of late, by reason of a great Mortality that fell amongst them three years since, which together with their own Civil Dissentions and Bloody Wars, hath so wasted them, as I think the twentieth person is scarce left alive, and those that are left, have their courage much abated, and their countenance is dejected, and they seem as a People affrighted. And though when we came first into the Country, we were few, and many of us were sick, and many dyed by reason of the cold and wet, it being the depth of Winter, and we having no houses, nor shelter, yet when there was not six able persons among us, and that they came daily to us by hundreds, with their *Sachems* or *Kings*, and might in one hour have made a dispatch of us, yet such a fear was upon them, as that they never offered us the least injury in word or deed. And by reason of one *Tisquanto*, that lives amongst us, that can speak English, we have daily commerce with their Kings, and can know what is done or intended towards us among the Savages: Also we can acquaint them with our courses and purposes, both humane and religious. And
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the greatest Commander of the Country, called *Massicot*, cometh often to visit us, tho' he lives fifty miles from us, often sends us Presents, he having with many other of their Governours, promised, yea, Subscribed Obedience to our Sovereign Lord King JAMES, and for his cause to spend both strength & life. And we for our parts thorow God's Grace, have with that equity, justice, and compassion, carried our selves towards them, as that they have received much favour, help, and aid from us, but never the least injury, or wrong by us. We found the place where we live empty, the people being all dead and gone away, and none living near by 8. or 10. miles; and though in the time of some hardship, we found (travelling abroad) some 8. Bushels of Corn hid up in a Cave, and knew no owners of it, yet afterwards hearing of the owners of it we gave them (in their estimation) double the value of it. Our care also hath been to maintain peace amongst them, and have always set our selves against such of them as used any rebellion, or treachery against their Governours, and not onely threatened such, but in some sort paid them their due deserts; and when any of them are in want, as often they are in the Winter, when their Corn is done, we supply them to our power, and have them in our houses eating and drinking, and warming themselves, which thing (though it be something a trouble to us) yet because they should see and take knowledge of our labours, orders, and diligence, both for this life and a better, we are content to bear it, and we find in many of them, especially, of the younger sort, such a tractable disposition, both to Religion and humanity, as that if we had means to apparel them, and wholly to retain them with us (as their desire is) they would doubtless in time prove serviceable to God and man, and if ever God send us means we will bring up hundreds of their children, both to labour and learning."

The CHARTER of June 3, 1621 to the Dutch West-India Company, was, on the four and twentieth of March and tenth of June 1622, amplified by the High and Mighty Lords the States General, by the addition of the Salt Trade to the West-Indies, and some other Matters; accordingly, on the tenth of June aforesaid, a Proclamation was published, and on the thirteenth of February 1623, an Act of Amplification was given the Company, as follows..

[De Laet. Jaerlijck Verhael]

Extract from the Proclamation of the 10th of June, 1622.

"THE STATES GENERAL of the United Netherlands, to all who shall see these Presents, or hear them read, Greeting. Whereas we have after mature Deliberation of Council, for the Benefit of these Provinces, and the Welfare of
the

the good Inhabitants thereof, formed a Company for Trade and Traffic from these Netherlands to the West-Indies, Africa, and other Places mentioned in our former Proclamation of the ninth of June, in the Year sixteen hundred and twenty-one, with a Prohibition, that none of the Natives or Inhabitants of this Country, for the Term of four and twenty Years from the first of June then first coming, should Sail or Trade within the said Limits, except only those who, by a Charter given to the aforesaid Company, might go to get Salt at *Punto del Rey* under the Regulation by us in that Behalf made, or to be made: And as, upon reconsidering that Matter, we find it will be useful and necessary for the Service of this Country, and for promoting the aforesaid incorporated Company, that the aforesaid Salt Trade to *Punto del Rey*, should be vested in the said Company; Therefore we (our former Proclamation of the ninth of June remaining entire) have interdicted and forbidden, and by these Presents do interdict and forbid, the Natives and Inhabitants of this Country, that, within the Term of the aforesaid four and twenty Years, the aforesaid Natives and Inhabitants shall not sail out of these Netherlands, nor out of any other Kingdom or Country, directly or indirectly in the said Salt Trade to *Punto del Rey*, except in the Name and on the Account of these Company: Willing and ordaining, that all other Natives and Inhabitants who shall promote any Thing to the contrary hereof, or shall be found to have done it, shall forfeit their Ship and Goods, which being actually seized, the Forfeiture shall be kept for the behoof of the aforesaid Company: And if any Ships or Goods from thence, shall be sold, or brought into any other Countries or Ports, We have ordained and determined, and do hereby ordaine and determine, that the Manufacturers and Owners thereof, living in this Country, or being supplied with Goods here, shall be liable for the Value of them, and Execution shall issue against them. Thus done and concluded at a Meeting of the Lords the States General, at the Hague, this thirteenth of June, in the Year of our Lord one Thousand, six hundred, and twenty-two."

Signed,

N. VANDER MEER, Vt.

Underneath was written,

The Ordinance of the High and Mighty Lords the States General.

Subscribed,

C. AERSEN.

A PRO-

A PROCLAMATION *prohibiting interloping and disorderly Trading*
to NEW-ENGLAND in AMERICA.

[Rymer's Fœd. Tom. XVII. Page 416. A. D. 1622.]

AS it hath ever been held a principal Office of Christian Kings, to seek by all pious Meanes, the Advancement of Christian Religion, for the Consideration thereof hath bene a speciall Motive unto Us from tyme to tyme, as often as Cause hath required, to further by our Royall Authority, the good Disposition of any of our well affected Subjects that have a Will to attempt the discovering and planting in any Parts of the World, as yet savage and unpossessed by the Subjects of any Christian Prince or State; and nowe for that, by God's sacred Favor, there is likely to ensue great Advancement of his Glory, our Croune and State, by Reason of our Graunt heretofore made to the Councell for the managing of the Affairs of *New-England in America*, being in Breadth from forty Degrees of Northerlie Latitude from the Equinoctiall Lyne, to forty eight Degrees of the said Northerly Latitude, and in Length, by all the Breadth aforesaid, through all the main Land from Sea to Sea, we cannot but continue our especiall Respect and Favor unto them in their Indea-vors, and exercise our Royall Authority against the Hinderers thereof: Wherefore, having received certain Information of many and intolerable Abuses offered by sundrie Interlopers, irregular and disobedient Persons, that seeking principally their present and private Profits, have not only impeached some of the Planters there of their lawful Possessions, but also taken from them their Tymber without giving any Satisfaction, as in Justice they ought to have done; and not therewith contented, have ryned whole Woodes, to the utter Ruine of the same for ever after; as also, by casting of their Ballast in the Harbors of some of their Islands, have almost made them unserviceable, and yet not soe contented, by their promiscuous Trading, as well Marriners as Masters with the Savages, have overthrowne the Trade and Commerce that before was had to the great Profit of the Planters, and which were indeed the principall Hopes for the Advancement of that Plantation, next unto the Commodities that Coast affords of fishing, neither herewith satisfied, but as if they resolved to omit nothing that might be impious and intollerable, they did not forbear to barter away to the Savages Swords, Pikes, Musquets, Fowling-peece, Match, Powder, Shot, and other warlike Weapons, and teach them the Use thereof, not only to their own present Punishment, divers of them being shortly afterwards slaine by the same Savages whom they had soe taught, and with the same Weapons which they had furnished them withall, but also to the Hazard of the Lives of our good Subjects alreadye

die planted there, and, as much as in them laye, to the making of the whole Attempt itselfe, howe pious and hopefull foever, frustrate, or foe much the more difficult. Wee, for Reformation and Prevention of theis or the like Evils hereafter, and for the more cleare Declaration of our Kingly Resolution and just Intents, both to maintain our Royall Grant already made, and to uphold and encourage by all Waies and Meanes the worthy Dispositions of the Undertakers of those Designs, have thought fitt, and do hereby straightlie charge and command, that none of our Subjects whatsoever, not Adventurers, inhabitants, or Planters in New-England, presume from henceforth to frequent those Coastes, to trade or traffique with those People, or intermeddle in the Woods or Freehould of any of the Planters or Inhabitants, or otherwise than by the Licence of the said Councell, or according to the Orders established by our Privie Councell, for the Reliefe or Ease of the Transportion of the Colonie in *Virginia*, uppon Paine of our high Indignation, and the Confiscation, Penalties, and Forfeitures in our said Royall Grant exprest; leaving it nevertheles in the mean tyme to the Discretion of the said Councell for *New-England*, to proceede against the foresaid Offenders according to the same, especiallie, seeing We find the Arms of the said Councell to be open to receive into that Plantation any of our loving Subjects who are willing to joyn with them in the Charge and Participate in the Profits thereof.

Given at our Court at *Theobalds*, the sixt Day of November, in the Yeare of our Raigne of England, Fraunce, and Ireland, the twentieth, and of Scotland, the six-and-fiftieth.

PER IPSUM REGEM.

The COUNCIL of Plymouth's Grant to ROBERT GORGES.

[Second Part of Gorges Hist. of America, Edit. 1658. Page 34.]

TO all to whom these Presents shall come, the councell for the Affaires of *New-England* in *America*, send Greeting. Whereas it has pleased the King's most excellent Majesty by his Royall Grant, bearing date the third Day of November, in the eighteenth Year of his Majestie's Reigne over this his Highness Realme of *England*, &c. For divers Causes therein exprest absolutely to give, grant, and confirme unto us the said Councell and our Successours, all the foresaid Land of *New-England*, lying and being from fourty to fourty-eight Degrees of Northerly Latitude

Latitude, and in Length by all that Breadth aforesaid, from Sea to Sea throughout the Main Land, together with all the Woods, Waters, Rivers, Soyles, Havens, Harbours, Islands, and other Commodities whatsoever thereunto belonging; with all Priviledges, Preheminencies, Profits and Liberties, by Sea and Land, as by the said Grant, amongst other Things therein contained, more at large appeareth. Now know all Men by these Presents, that We the Councell of *New-England*, for, and in respect of the good and speciall Service, done by Sir *Ferdinando Gorges*, Knight, to the Plantation, from the first Attempt thereof unto this present, as also for many other Causes us hereunto moving, and likewise for and in Consideration of the payment of one hundred and sixty pounds of lawfull English Money unto the Hands of our Treasurer, by *Robert Gorges*, Sonne of the said Sir *Ferdinando Gorges*, Knight, whereof, and of every Part and Parcell whereof, the said *Robert Gorges*, his Heires, Executors and Assignes, are for ever acquitted and discharged, by these Presents; have given, granted and confirmed, and by these Presents do give, grant, and confirme, unto the said *Robert Gorges*, his Heires and Assignes for ever, all that Part of the Main Land in *New-England* aforesaid, commonly called or known by the name of *Messachusiack*, situate, lying and being upon the North-East side of the Bay, called or knowne by the Name of *Massachusetts*, or by what other Name or Names soever it be, or shall be called or knowne, together with all the Shoars and Coasts along the Sea, for ten *English Miles*, in a streight Line towards the North-East, accounting one thousand, seven hundred and sixty yards to the Mile, and thirty *English Miles* (after the same rate) unto the Main Land through all the Breadth aforesaid, together with all the Ilets and Islands, lying within three Miles of any Part of the said Lands (except such Islands as are formerly granted); together also with all the Lands, Rivers, Mines and Mineralls, Woods, Quarryes, Marshes, Waters, Lakes, Fishings, Huntings, Fowlings, and Commodities, and Hereditaments whatsoever, with all and singular their Appurtenances, together with all Prerogatives, Rights, Jurisdictions and Royalties, and Power of Judicature in all Causes and Matters whatsoever, Criminal, Capital, and Civil, arising, or which may hereafter arise, within the Limits, Bounds and Precincts aforesaid, to be executed according to the great Charter of *England*, and such Lawes as shall be hereafter established by Publique Authority of the State assembled in Parliament in *New-England*, to be executed and exercised by the said *Robert Gorges*, his Heires and Assignes, or his or their Deputies, Lieutenants, Judges, Stewards, or other Officers, thereunto by him or them assigned, deputed, or appointed from time to time, with all other Priviledges, Franchises, Liberties, and Immunities, with Escheats and Casualties thereof arising, or which shall or may hereafter arise within the said Limits and Precincts, with all the Interest, Right, Title, Claime and Demand whatsoever, which we the said Councell, and our Successours now of right have, or ought to have, and claime, or

may have, or acquire hereafter, in or to the said Portion of Land and Islands, or any the Premises, in as free, ample, large and beneficiall Manner to all Intents, Constructions, and Purposes whatsoever, as we said Councell by his Majesties said Letters-patents may or can grant the same ; saving and alwayes reserving unto the said Councell, and their Successours, and to the Court of Parliament hereafter to be in *New-England* aforesaid, and to either of them, power to receive, heare and determine all and singular Appeale and Appeales, of every Person and Persons whatsoever, dwelling or inhabiting within the said Territories and Islands, or either or any of them, to the said *Robert Gorges* granted as aforesaid, of and from all Judgments and Sentences whatsoever given within the said Territories; to have and to hold all and every the Lands and Premises above by these Presents granted (except before excepted) with their and every of their Appurtenances, with all the Royalties, Jurisdictions, Mines, Mineralls, Woods, Fishing, Fowling, Hunting, Waters, Rivers, and all other Proffits, Commodities and Hereditaments whatsoever, within the Precincts aforesaid, or to the said Lands, Islands and Premises, or any of them, in any wise belonging or appertaining to the said *Robert Gorges*, his Heires and Assignes for ever, to the onely proper Use and Behoofe of the said *Robert Gorges*, his Heires and Assignes for evermore; to be held of the said Councell and their Successours, *per Gladium Comitatus*, that is to say by finding 4 able Men conveniently armed or arrayed for the Warres, to attend upon the Governour for any Service, within fourteen Dayes after warning, and yeilding and paying unto the said Councell, one-fifth Part of all the Oare of the Mines of Gold and Silver, which shall be had, possessed, and obtained within the Precincts aforesaid, for all Services and Demands whatsoever, to be delivered into the Tower of *London* in *England*, to and for the Use of his Majesty, his Heires and Successours from time to time. And lastly, know ye, that We the said Councell have deputed, authorized and appointed, and in our Place and Stead have put *David Thomson*, Gent. or in his Absence any other Person that shall be their Governour, or other Officer unto the said Councell, to be our true and lawfull Attourney and Attourneys, and in our Name and Stead to enter into the said Lands and other the Premises with their Appurtenances, or into some Part thereof, in the Name of the whole, for Us and in our Names to have and take Possession and Seisin thereof; and after such Possession and Seisin thereof, or of some other Part thereof, had and taken then for Us, and in our Name to deliver the same unto the said *Robert Gorges*, or his Heires, or to his or their certain Attourney or Attourneys to be by him or his Heires appointed in that Behalfe, according to the true Intent and Meaning of these Presents; ratifying, confirming, and allowing, all and whatsoever our Attourney or Attourneys shall do in or about the Premises, or in Part thereof by Vertue of these Presents.

In Witnesse whereof, We have affixed our Common Seale, the thirtieth Day of *December*, in the yeare of the Reigne of our Sovereign Lord *JAMES*, by the Grace of God of *England, France, and Ireland*, King, Defender of the Faith, &c. the twentieth, and of *Scotland* the fifty-sixth.

Compared,

LENOX HAMILTON.
ARUNDELL SURREY.
BARN. GOACH.
ROBERT MANSELL.
WI. BOLES.

De Commissione Speciali Williclmo Jones Militi directæ.

[Rymer's *Fœdera*, Tom. XVII. Page 490. A. D. 1623.]

JAMES, by the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To our trustie and well beloved Sir *William Jones*, Kt. one of our Justices of our Court of Common Pleas, Sir *Nicholas Forrescue*, Kt. Sir *Francis Goston*, Kt. Sir *Richard Sutton*, Kt. Sir *William Pitt*, Kt. Sir *Henry Bouchier*, Kt. and Sir *Henry Spiller*, Kt. Greeting. Whereas amongst the many memorable Works undertaken sithence our happie Raigne over this our Realm, those of the *English Colonies and Plantations in Virginia and the Summer Islands* are of special Importance, as being the first forraigne *Colonies* planted by our English Nation, and tending not only to the propagation of God's Glorie and Christian Religion, but alsoe to the Enlargement of the Territories and Domynions of our Crowne, and the Increase of Trade and Commerce, whereby our People and Subjects may be enriched: And therefore We being graciouſlie enclyned to so glorious and publique a Worke, have from tyme to tyme, and uppon all Occasions vouchsafed our gracious and Royall Assistance to the furtherance and incouragement thereof; not onely by granting unto the Adventurers and Planters large Charters and ample Priviledges, but enable them to raise great Sommes of Money towards the undergoing of the necessarie Charges of the said Plantations; and now being advertised, as well by the humble Petition of some of the Adventurers themselves, as otherwise, that as well by Occasion of Discord and Discontentment amonge themselves, as of sundry Misgovernments and

other Disturbances and Impediments, the Prosperous and happie Proceeding and Growth of that Work hath byne, and is daillie more and more like to be interrupted, unles We in our Princely Providence shall putt a Remedie thereunto : We therefore uppon deliberate consideration hereof are constantlie resolved to persue our former Purpose, and by all good meanes to expresse the contynuance of our Zeale and Affection in restoring and settling that soe glorious a Worke, whereof God hath been pleased to make us a principall Instrument, and to take away all Obstacles and Hindrances that may any way seeme to disturb or crosse the quiet and peaceable Proceeding in the same ; for the better effecting of which our Resolution, we hold it most fitt that some Persons of Trust and Understanding be employed to discerne, discover and find out the whole State of the Premisses, uppon whose Information wee may proceede to the affecting thereof, as we shall judge most requisite ; whereby the Worke being re-established may proceede and prosper to our Honor, and those religious and publique Ends for which it was first intended. KNOWE YEE, therefore, that Wee, reposing assured Trust and Confidence in the approved Wisdomes, Fidelities, and Circumspections of you the said Sir William Jones, Sir Nicholas Fortescue, Sir Francis Goston, Sir Richard Sutton, Sir William Pitt, Sir Henry Boucher, and Sir Henry Spiller, have assigned and appointed you to be our Commissioners ; and wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to viewe, peruse, and consider of all and singular Charters, Letters-patents, Proclamations, Commissions, and all other Acts, Orders, and Directions made or set down by Us or our Privie Councell, or by the Company or Councell of *Virginia*, Warrants, Records, Bookes, Accompts, Entries, and other Notes and Writings whatsoever, concerning the said Colonies or Plantations, or concerning the severall Companies or Corporations, to whom the care of the said Colonies or Plantations apperteyneth ; and as well thereby as by Examination of any Witnes or Witneses upon Oath, or without Oath, or by any other lawful Waies or Meanes whatsoever, to enquire, discover, fynd out, and inform your selves, whither the said Charters, Letters-patents, Proclamations, Acts, Orders, and Directions have bene observed, performed, and kept according to the true Intent and Meaning thereof ? or whether the same have bene violated, infringed, or broken ? and by whom ? and in whose Default ? and what Damage, Hurt, and Hinderance to the said Plantations and Colonies have thereby ensued and byn occasioned ? and upon due Consideration thereof, and of all other Things needful, to try and find out the true Estate as well in Tymes past as at this present, of the said Colonies and Plantations, and either of them in every Respect, and of all Incidents and Circumstances thereunto belonging.

And further, Wee doe hereby give unto you, or any fower or more of you, full Power and Authority by such Examination upon Oath, or without Oath, or any other
 Wayes

Wayes and Means as is aforeſaid, to enquire, ſearch, diſcover and fynde out, what Somme or Sommes of Money at any Tyme heretofore, have been levied or collected, either by Contribution of Adventurers, voluntarie Guifts or Bequeſts, Lotteries, Collections, Adventures in Magazines, or by any other Wayes or Meanes whatſoever, for or towards the Furtherance of the ſaid Colonies or Plantations, or either of them, or any the Buifenes or Affaires concerning the ſame? and to whoſe Hands the ſame Moneyes have come? and how, and in what Manner, and by whom the ſaid Somme and Sommes of Money, and everie Part of them, have bene expended or diſburſed? and whither the ſame have byn expended or diſburſed as they ſhould or ought to have byne for the good of the ſaid Colonies and Plantations? and whither any and what Part or Parts of the ſaid Somme or Sommes of Money have bene converted, uſed, or ymployed to the Uſe of any private Perſon or Perſons, or to any Uſe other than for or towards the neceſſarie Uſe, Helpe and Furtherance of the ſaid Plantations? and to whoſe, or to what Uſe or Uſes? and what Damage any ſuch Miſpoyment hath bene to the ſaid Plantations? and by whom, and by whoſe Meanes, Conſent, or Procurement any ſuch Miſpoyment hath bene made or done, with the Ground and Cauſes thereof? and all other neceſſarie Circumſtances in any wiſe touching the Premiſſes? and what is, and what in probabilitie of Reaſon might have bene the true Eſtate and Conditions of the ſaid Plantations, and either of them, at this preſent Tyme by the Proportion of the Expence of ſoe much Money as hath been levied, collected, and gathered for the Uſe of the ſaid Plantations and either of them?

And further, Wee doe hereby give unto you, or any fower or more of you, full Power and Authority by ſuch Examination upon Oath, or without Oath, or any of the Wayes or Meanes aforeſaid, to enquire; ſearch, diſcover, and fynd out what Lawes, Orders, or Conſtitutions have bene made contrary to, or without Warrant of our Charters and Letters-patents? and what Miſgovernment, Miſpoyment, Abuſes, Defaults, Negligences, Corruptions, Deceits, Frauds, and Greivances, have byn at any Time heretofore uſed or put in Praſtiſe by any Perſon or Perſons, to the Lett, Hindrance, or Diſturbance, of the good, quiet, peaceable, and orderly Progreſſion, Proceeding, or Doeing of any Matter or Thinge tending to the Furtherance of the ſaid Colonies or Plantations, or either of them? or in the procureinge, levying or collectinge, iſſuing, diſburſing or ymploying of any Somme or Sommes of Money aſſigned, limited, appointed, levyed, or collected, for, or to the Uſe or Furtherance of the ſaid Colonies or Plantations, or either of them? and the Grounds and Cauſes thereof? and what particular Wrongs or Injuries have bene offered or done to all, or any of the Adventurers or Planterſ of the ſaid Colonies or Plantations? and by what Perſon or Perſons? and by what Warrant or Warrants any of the ſaid Miſgovernments, Miſpoyments, Abuſes, Defaults, Negligences, Corruptions, Deceits, Frauds, Greivances, Wrongs, or Injuries, or any of them, have been

have hyne done, committed, or practised? and the Grounds and the Causes thereof? and by, or with whose Consent or Procurement? and to what End or Purpose? and for whose Use, Benefit and Advantage, and of all other Matters and Things to the Premises incident or appertayning, as to you, or any fower or more of you shall be thought meete.

And alsoe we doe hereby give unto you, or any fower or more of you, full Power and Authority by such Examination upon Oath, or without Oath as aforesaid, and by all or any other the Waies and Meanes aforesaid, to enquire, examyne, and synde out all such Matters or Things as do, or may in any wise occasion the Lett, Hindrance, or Decay of the said Colonies or Plantations, or either of them; or of the Trade, Traffique, or Commerce with them, or either of them; by what Means the same are occasioned, and of all other Matters concerning the Premises?

And further, Wee require and comaund, and give Power and Authority unto you, or any fower or more or more of you, upon deliberate consideration of the Premises, to enquire, synd out, consider, propounde, and set downe all such good and lawfull Wayes and Meanes, and the likeliest Wayes and Means to be used, and putt in Practise for the better governing, managing, ordering, disposing, and establishing of the said Colonies or Plantations, and of the Buifinesses and Affaires of the said Colonies or Plantations, and for Reformation and Prevention of all Misgovernments, Greevances, Abuses, Defaults, Negligences, Corruptions, Frauds, Deceits, Wrongs, and Injuries hereafter to be done or committed in the governing, mannaging, orderinge, or dispoiseinge of the Buifinesses and Affaires of the said Colonies or Plantations, or to be done unto any Adventurers or Planters in the same, and for the condign Punishment of the Offenders, and for the reconciling and taking away all Contentions and Differences, and preserving Peace and Unitie amongst them; and to do all other Acts and Things whatsoever which to you, or fower or more of you, shall be found meet and convenient, whereby this our Commission may be fullie executed according to the Tenor of the same, and our Pleasure herein declared, and the said Plantations established, to the End and Purpose before mentioned: And to the End our said Pleasure herein declared may take the better Effecte, Wee doe likewise hereby give unto you, or any fower or more of you, full Power and Authority to cause to come-before you, or fower or more of you, all such Person and Persons as you shall think fitt to appeare before you, for the better Discovery of the Truth in any the Premises, and to cause all and every Person and Persons, as well such as are supposed to have offended in any the Premises, their Servants or Agents, as all and every Person and Persons beinge, or which have been, Clarke or Officers of the severall Companies or Corporations of *Virginia*, or the *Summer Islands*, any other Person or Persons whatsoever, to bringe and shewe before you, or any fower or more of you, as is aforesaid,

all and singular such Letters-patents, Proclamations, Commissions, Warrants, Records, Orders, Books, Accompts, Entries, or any other Notes or writings whatsoever, remayning in their or any of their Custodie, which you, or fower or more of you, shall thinke fit to be produced, whereby the Truth in the Premisses may the more playnely appeare: And to the End noe Person may have just Cause to complayne or be greeved at your Proceedings in this Behalfe, our Pleasure is, that when and soe often as any Examination of any Person or Persons shall by vertue of this our Commission be taken uppon Oath, that then, and as often uppon Request made by the Parties whom the same shall concerne, you, or any fower or more of you, may examine the same, or any other Person or Persons either uppon Oath or otherwise, for the Defence of such Person or Persons making such Request, if you, or fower or more of you, uppon due Consideration shall think it just and fitt.

And our further Will and Pleasure is, and Wee doe hereby charge and commaund you, our said Commissioners, or foure or more of you, to certifie unto the said Lords and others of our Privie Councell, from Tyme to Tyme, your Proceedings therein; to the End such further Order may be given therein as shall be fitt. And these our Letters-patents or Commission, or the Inrollment of the same, shall be your sufficient Warrant and Discharge for doeing and executing of all and singular the Premisses according to the true Intent and Meaning of the same.

And lastlie, our Will and Pleasure is, that this our Commission shall contynue in Force; and Wee doe hereby authorize you, or any fower or more of you, to proceede in the Execution thereof, and of all and every Matter and Thing therein conteyned, from Tyme to Tyme, and as often as you, or any fower or more of you, shall thinke convenient; although the same Commission be not from Tyme to Tyme continued by Adjournement.

In Witnes, &c.

Witnes our self at *Westminster*, the nyynth Day of May,

Per breve de privato de Sigillo.

A TRUE COPY of the Grant of KING CHARLES the First, to
Sir EDMUND PLOWDEN, Earl Palatine of ALBION, of the Province
of NEW ALBION, in AMERICA, June 21, A. D, 1634.

[From Papers published by Charles Varlo, who visited America in 1784 and 1785, as Agent
for the Earl of Albion.]

CHARLES, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the faith, &c. To all to whom these our present letters shall come, greeting. Whereas, our well-beloved and faithful subject Edmund Plowden, Knight, from a laudable and manifest desire, as well of promoting the christian religion, as the extending of our imperial territories, hath formerly discovered, at at his own great charges and expences, a certain island and region, hereafter described, in certain of our lands to the Western part of the globe, commonly called *North Virginia*, inhabited by a barbarous and wild people, not having any notice of the Divine Being; and hath amply and copiously peopled the same with five hundred persons of our subjects, being taken to that colony as companions of the same pious hopes or intentions. And the colony being founded, elected to himself John Lawrence, Knight and Baronet, Bowyer Worsley, Knight, and Charles Barret, Esquire, and John Trusler, Roger Packe, William Inwood, Thomas Ribread, and George Noble: And hath humbly supplicated our Royal Highness to erect All that island and region, into a province and county palatine; and to give, grant, and confirm the same with certain privileges and jurisdictions, for the wholesome government of the colony and region aforesaid, and the state thereto belonging unto them, their heirs and assigns: And also praying that we should create and invest the same Edmund Plowden, Knight, and his assigns, with the dignities, titles, and privileges of governors of the Premises.

THEREFORE know ye, that we being desirous royally to favour the pious and noble study and pursuits of the said Edmund Plowden, Knight, and of his said Associates; and knowing that it is of great moment to the subjects of our kingdoms, that the colony there begun be diligently inhabited and cultivated, of our special grace, certain knowledge, and mere motion. And also, by the advice and consent of our well-beloved and faithful cousin and counsellor, Thomas, Lord Viscount Wentworth, our deputy-general of our said kingdom of Ireland; and according to the tenor and effect of certain of our letters, signed with our proper hand, and sealed with our seal, dated at *Oatlands*, the 24th day of *July*, in the 8th year of our reign, and now inrolled in the rolls of our Chancery, of the said kingdom of Ireland; We have given, granted, and confirmed, and by this our present charter, for Us, our heirs, and suc-
cessors,

fers, Do give, grant, and confirm, unto the before-named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bowyer Worlesy, Knight, Charles Barrett, and John Truſſer, Roger Packe, William Inwood, Thomas Ribread and George Noble, and their heirs and assigns for ever, all that entire island, near the Continent or Terra Firma of *North-Virginia*, called the Isle of *Plowden*, or *Long-Island*, and lying near or between the thirty-ninth and fortieth degree of North latitude, together with part of the Continent or Terra Firma aforeſaid, near adjoining, deſcribed to begin from the point of an angle of a certain promontory called *Cape May*, and from thence to the Weſtward for the ſpace of forty leagues, running by the river *Delaware*, and cloſely following its courſe by the North Latitude, unto a certain rivulet there, ariſing from a ſpring of the Lord Baltimore's, in the lands of *Maryland*, and the ſummit aforeſaid to the South, where it touches, joins, and determines in all its breadth; from thence takes its courſe into a ſquare, leading to the North by a right line, for the ſpace of forty leagues; and from thence likewiſe by a ſquare, inclining towards the Eaſt in a right line, for the ſpace of forty leagues, to the river, and part of *Reacher Cod*, and deſcends to a ſavannah, touching and including the top of *Sandbeey*, where it determines; and from thence towards the ſouth, by a ſquare, ſtretching to a ſavannah, which paſſes by, and waſhes the ſhore of the iſland of *Plowden* aforeſaid, to the point of the promontory of *Cape May*, abovementioned, and terminates where it began.

MOREOVER, we give, and by this our preſent charter, for Us, our heirs, and ſucceſſors, do grant, and confirm, unto the before-named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bowyer Worlesy, Knight, Charles Barrett, Eſquire, John Truſſer, Roger Packe, William Inwood, Thomas Ribread, and George Noble, and to their heirs, and assigns, all and ſingular, iſlands and iſles, floating, or to float, and being in the ſea, within ten leagues of the ſhores of the ſaid region, called by the name or names of *Pamunk*, *Hudſon's* or *Hudſon's-River*, iſles, or by any other names, with all and ſingular ports for ſhipping, and creeks of the ſea, to the ſame, or to the iſlands and iſles aforeſaid, ſituate, being, or adjoining; and all lands, grounds, woods, lakes, ſalt-waters, and rivers adjoining to the region of the iſlands and iſles aforeſaid, ſituate, being, and included, and bounded within the limits before deſcribed, with the fiſhery of all kinds of fiſh, whales, and ſurgeon, and of all other royalties, in the ſea, or fiſhing rivers. AND moreover, all gold, ſilver, gems, and precious ſtones, and otherwiſe whatſoever, whether ſtones or metals, or any of any other thing or matter, veins or quarrys, as well open as hid, within the region of the iſlands or limits aforeſaid, found, and to be found or diſcovered; And that all the churches (which may happen to be hereafter built, for the growth and cultivation of the chriſtian religion, within the region and limits of the ſaid iſlands) may be more amply patronized and avowed, together, with all and ſingular things of

this fort, and all ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and royal rights, and franchises whatsoever, as well by sea as by land, within the region of the islands, and limits aforesaid, may be held, exercised, used, and enjoyed, as by any bishop of Durham, within the bishopric or county palatine of Durham, within our kingdom of England, at any time heretofore have been held, used, or enjoyed, or of right ought or can be able to have, hold, use, or enjoy. And him the said Edmund Plowden, Knight, his heirs, and assigns, for Us, our heirs, and successors, true, and absolute lords and proprietaries of the islands, region, and other the premises aforesaid, (saving always the faith and allegiance due to Us, our heirs, and successors) and the same county palatine, and the governor, with so many and such titles, additions, dignity, and privileges, by these presents We make, create, and constitute, as George Calvert, Knight, within the province or county palatine of *Glastonbury*, within our new lands, or as the said lord of *Baltimore*, within *Maryland* aforesaid, or James, Earl of Carlisle, within the *Anthill* islands, or those commonly called *St Christophers*, or *Barbadoes*, or as the bishop of Durham aforesaid, within the bishopric or county palatine of Durham aforesaid, or as Thomas Mayson, late paymaster of our forces, in our lands of *New-England*, or as by any other founder of a colony, or governor of ours, wheresoever, ever heretofore had been held, used, or enjoyed, or of right ought or was able to hold, have, use or enjoy. To HAVE, hold, possess, and enjoy the said region island, and other the premises before granted unto the said Edmund Plowden, Knight; John Lawrence, Knight and Baronet, Bowyer Worley, Knight, John Trusler, Roger Packe, William Inwood, Thomas Ribread, Charles Barrett and George Noble, and to their heirs and assigns for ever. AND to have, hold, possess, exercise and enjoy the said title, addition, dignity and privilege of Earl Palatine, or the office of governor of the region, island, and premises, unto the said Edmund Plowden, Knight, his heirs, and assigns, for ever. To be holden of Us, our heirs, and successors, as of our crown of Ireland, in Capite. And in order that the said region, so by Us granted and described, may outline all the other regions of that earth, and be adorned with more ample titles. KNOW ye, that We of our more abundant grace, certain knowledge, and mere motion, and with the advice and consent aforesaid, We have caused the said region, island, and premises, to be erected into a province, and through the fullness of our power and royal prerogative, for Us, our heirs, and successors, into a province, We erect and incorporate; and the same We nominate or call *New Albion*, or the province of *New Albion*, and so in future We will the same to be called. And that the said province or free *County Palatine*, may in no manner, upon the provinces or regions of *Virginia* and *New-England*, and the governors of them or any other province, region, and governor be in any wise subject or dependant, but exempt and free, and may depend upon our royal person and imperial crown, as king
of

of Ireland, and from no other by these presents, for Us, our heirs and successors, We will and decree. And forasmuch, as We have above made and ordained the before named Edmund Plowden, Knight, true lord and proprietor of all the province aforesaid. THEREFORE further know ye, that We, for Us, our heirs, and successors, to the same Edmund (of whose fidelity, prudence, justice and providence, and circumspection of mind, we have full confidence) and to his heirs, for the good and happy government of the said province, whatsoever laws, whether concerning the public estate of the same province, or the private utility of individuals, according to their wise discretions, and with the council, approbation, and assents of the free tenants of the same province, or the major part of them who shall be called together by the aforesaid Edmund Plowden, and his heirs, to make laws when, and as often as there shall be occasion, in such form as to him or them shall seem best. And We will that the same when made, shall be under the seal of the said Edmund, and of his heirs, promulgated to all men within the said province, and the limits of the same, for the time being, or under his or their power and government, to constitute a gatherer of taxes and impositions, on persons sailing towards *New Albion*, and from thence returning out of or to the land of England, or out of any other of our dominions, wheresoever he or they shall choose, and to imprison and otherwise restrain them, if need shall require. And that our well-beloved Edmund Plowden, and his heirs, or by his deputy lieutenant, judges, justices, officers, and ministers, to be constituted, made, and duly executed, according to the true intention of these presents, shall have power over life and member, and judges, magistrates, and officers whatsoever, for any causes, and within any power in such form, as to the said Edmund Plowden, or his heirs, shall seem best by land or sea, to constitute and ordain, and also the crimes and excesses of any persons against the same laws, whether before the giving judgment, or after to remit, release, pardon, and abolish; and all and singular other things to the fulfilling of justice, and courts and tribunals of judgment, in manner and form aforesaid belonging. We grant full, and all manner of power, by virtue of these presents, although there be no express mention made of them, in these presents; which said laws, so as aforesaid, to be promulgated, absolute, and firm in law, and by all men liege subjects, of Us, our heirs, and successors, so far as concerns them to keep, and under the penalties in the same expressed, and to be expressed. We will, enjoin, order, and command to be inviolably observed. So, nevertheless, that the laws aforesaid be consonant to reason, and not repugnant and contrary (but as convenient as may be to the matter in question) to the laws, statutes, customs, and rights of our kingdoms of England and Ireland. And because, in so large a province it may often happen, that there will be a necessity to provide a remedy in a number of cases, before the free tenants of the said province can be assembled to make laws, nor will it be proper to delay in a case of emergency, until

so many people can be called together. THEREFORE, for the better government of the said province, we will, and ordain, and by these presents, for Us, our heirs, and successors, grant unto the before-named Edmund Plowden, and to his heirs, that the aforesaid Edmund Plowden, and his heirs, by themselves, or by magistrates and officers in that behalf, to be duly constituted as aforesaid, fit and wholesome ordinations from time to time, shall and may be able to make and constitute, to be kept and preferred within the province aforesaid, as well for keeping the peace as for the better government of the people there living or inhabiting, and to give public notice of them, to all persons whom the same doth or may concern, which said ordinations We will, shall be inviolably observed within the said province, under the penalties in the same expressed. So that the same ordinances be consonant to reason, and be not repugnant nor contrary, but as much agreeable as may be to the laws, statutes, and rights of our kingdoms of England and Ireland. And so as that the same ordinances do not extend themselves to the right or interest of any person or persons, of, or in free tenements, or the taking, distraining, binding, or charging any of their goods or chattles. MOREOVER, as a new colony grows more happy by a multitude of people gathering in the same, it ought likewise to be more firmly defended against the incursions of barbarous and other enemies, pirates, and robbers. THEREFORE, We, for Us, our heirs, and successors, to all liege men and subjects, of Us, our heirs, and successors, present and to come, (unless those who shall be specially interdicted) themselves and families, to the said province of *New Albion*, with proper ships, and convenient convoy to transport themselves, and of chusing their seats, and of living and inhabiting there, and out of our kingdom of Ireland, themselves with labourers and artificers, to conduct and transport together, with grain of every kind, goats, horses, mares, cows, oxen, swine, and cattle, and other domestic beasts, with all necessaries, as well for food as raiment, and as often as the inhabitants of the said province, or the governor or principal of the province aforesaid, shall be informed of this. We give and grant, and by these presents, unto the said Edmund Plowden, his heirs, and assigns, full power, licence, and liberty, to build and furnish a castle, and castles, or other forts at their will and pleasure, for the public defence, the statute of fugitives, or any other statute in England or Ireland made to the contrary thereof, in any wise notwithstanding. And We also will, and of our more abundant grace, for Us, our heirs, and successors, firmly injoin and constitute, ordain and command; that the said province be in our allegiance; and that all and singular, the liege subjects of Us, our heirs, and successors, in the before-named province, or descended from them, and also other freemen there born, or hereafter to be born, shall and may be countrymen and liege subjects of Us, our heirs, and successors; and shall in all things be treated, reputed, and held, as faithful liege subjects of Us, and our heirs, and successors, as if born in our kingdoms of England or Ireland. And also lands, tenements, reversions, services, and other hereditaments whatsoever, with-

in our kingdoms of England and Ireland, and other our dominions, to purchase, receive, take, have, hold, buy, and possess, and them to use, and enjoy, and to give, sell, alienate, and devise; and likewise all liberties, franchises, and privileges of our kingdoms of England and Ireland, freely, quietly, and peaceably to have and possess, and may be able to use and enjoy to them in the same manner as our liege subjects, born or descended within our said kingdoms of England and Ireland; without any impediment, molestation, vexation, calumny, or oppression, from Us, or any of our heirs, and successors; any statute, act, ordinance, or provision to the contrary thereof, notwithstanding. **MOREOVER**, in order that our subjects may be incited by the love of gain, and the sweetness of liberty, to undertake this expedition with readiness and alacrity of mind. **KNOW YE**, that we of our special grace, and from our certain knowledge and mere motion, that as well the said Edmund Plowden, Knight, his heirs, and assigns, as well other and others, from time to time, to travel for the purpose of inhabiting in *New Albion*, all and singular their goods, as well moveable as immoveable wares, merchandizes, arms likewise, and warlike instruments, offensive and defensive, in any of the ports of Us, our heirs, and successors, to be shipped and loaded, and to the province of *New Albion*, by themselves, or their servants, or assigns, to be transported without any imposition, subsidy, custom, or other thing whatsoever, to Us, our heirs, or successors, therefore to be paid, and without any impediment or molestation, of Us, our heirs, or successors, or of any of the officers of Us, our heirs, or successors, or farmers of Us, our heirs, or successors, we give and grant full and free licence and power, by virtue of these presents; any statute, act, ordination, or other matter or cause whatsoever, to the contrary, notwithstanding. **PROVIDED** always, that before the said goods, things, and merchandizes be shipped and laden, a licence upon this matter from the treasurer of Us, our heirs, and successors, of our kingdoms of England or Ireland respectively, or the commissioners of our treasury, or six or more of the privy council of Us, our heirs, and successors in writing, first asked and obtained, to which said commissioners and privy council of Us, our heirs, and successors, or any six or more of them, the same licences in form afore said to grant, We have given and granted for Us, our heirs, and successors, sufficient power as We do give and grant by these presents. But because, in such a distant region, situate among so many barbarous nations, there is reason likewise to fear the incursion likewise not only of the same barbarians, but of the enemies, pirates, and robbers. **THEREFORE**, that the said Edmund Plowden, his heirs, and assigns, may be able by themselves or their captains, or other officers, to call all men of whatsoever condition, or wheresoever born in the province of *New Albion*, for the time being, to their banner, and choose them to carry on war against the enemies and robbers afore said, by land and by sea, and likewise to pursue them beyond the limits of the said province, and of taking the wicked prisoners, if God shall

shall deliver them into their hands. And the captives by right of war, to slay, or at their pleasure to save, and to do all and singular other things which to the office of a captain-general of right belonging, or which have been accustomed to belong, and that as fully and freely as any captain-general ever had, We have given, and for Us, our heirs, and successors, do give power by these presents. And We also will, and by this our present charter, do give unto the before named Edmund Plowden, Knight, his heirs, and assigns, power, liberty, and authority, that in case of a rebellion, sudden tumult, or sedition (which God forbid) either upon the land within the province before said, or upon the high sea in the road to *New Albion*, or in returning from thence, shall happen to arise for themselves, to depute captains or other officers under their seals, to authorize for that purpose, to whom also We, for Us, our heirs, and successors, do give and grant full power and authority by these presents, to proceed against the authors and movers of such sedition, and him or them subtracting, detracting, flying, deserting, or loitering from the army, or in any other manner offending against military discipline, shall be used according to the martial law, as freely, and in as ample manner and form as any other captain-general, by virtue of his office may be able or accustomed to use, unless against men honestly born, and coming armed to the present expedition, and intending to deserve well of Us, and our royalty in peace and war, being taken in such a remote and desert region, as shall appear to have shut them up from the clear way to all honour and dignity. THEREFORE, We, for Us, our heirs, and successors, do give unto the afore said Edmund Plowden, and to his heirs and assigns, free and full power graciously to confer favours and honours upon the well deserving citizens and inhabitants within the province afore said, with whatever titles and dignities he shall choose to decorate them with, (in such manner as that they may not now be usurped in England) likewise villasses into boroughs, and boroughs into cities, because of the merit of the inhabitants, and fitness of the places, with privileges and proper immunities to erect and incorporate. And likewise to create manors and erect tenures, and also the services of free tenants to institute and reserve under divers forms and species; and to cut and stamp different pieces of gold, such as shall be lawful, current, and acceptable to all the inhabitants of the said province, and the frequenters thereof. And We command all and singular, other things to be done in the premises which to him or them shall be seen to be proper, although the same may have been from the nature of the mandate and warrant, executed more especially than in these presents may be expressed, and that as freely and in as ample manner and form, as by the society of *New Land*, and *East Indies*, and of the islands of *Bermudas*, other called *Somers*, or the bishop of Durham, within the bishopric or county palatine of Durham, or lord Baltimore, within his lands or provinces of *Maryland* and *Glastonbury*, or James earl of Carlisle, within the island of *St. Christopher* and *Barbadoes*,

badoes, or any other governor of a society, or founder of a colony of Ours, ever heretofore had, held, used, or enjoyed, or of right, ought or was able to hold, use, and enjoy. AND, sofar as much as all public affairs, in the beginning of colonization, are wont to labour under various inconveniencies and difficulties. THEREFORE, We favouring the present initiation of this colony, and providing by our royal solicitude, that if they are aggrieved in one way, they may be relieved in another, of our special grace, and mere motion, We do give and grant, licence, by this our charter, unto the before named Edmund Plowden, and to his heirs, and assigns, and to all the people and inhabitants of *New Albion*, whomsoever at present or to come; that the wares and merchandizes whatsoever, from the fruits of the said province, and produce of the land or sea, by themselves, or their factors or assigns, into any of the ports of Us, our heirs, and successors, in our kingdoms of England or Ireland, freely to bring in, and unload, and otherwise to dispose of them there; and if there shall be occasion, the same merchandizes within one year, to be computed from the unloading of the same again into the same ships or others, to load, and into any other regions either of ours or of strangers, may be able to export; no subsidy, custom, tax, or imposition whatsoever, to be paid in any manner, to Us, our heirs, or successors, or the farmers of our successors therefore. PROVIDED always, and our intention is, that this our favour, and the immunity from customs, and impositions, and subsidies, shall continue only for the space of ten years, to be computed from the date of these presents, and shall have an end, the said ten years being elapsed and finished. AND we will, and grant, and for Us, our heirs, and successors, command that the before named Edmund Plowden, Knight, his heirs, and assigns, and others the natives and inhabitants of *New Albion*, all and singular, their goods, wares, and merchandizes whatsoever, in any of the said ports, of Us, our heirs, and successors, may bring in and unload, and if they shall please, by themselves or their servants, shall and may be able to load and reload, within the time aforesaid. PROVIDED always, that such customs, impositions, subsidies, and tolls, to be paid to Us, our heirs, and successors, therefore be the same as the rest of our subjects, for the time being, are bound to pay; beyond which, we will with the inhabitants of *New Albion*, be in no wise aggrieved. AND further, of our mere ample and especial grace, from our certain knowledge, and mere motion, for Us, our heirs, and successors, do grant unto the before named Edmund Plowden, Knight, his heirs, and assigns, full and absolute power and authority, to make, erect, and constitute, within the said province of *New Albion*, and the islands aforesaid, as many, and such maritime ports, stations of ships, creeks, and other places for the landing and unloading of ships, boats, and other vessels, and in such and so many places, with such of our rights, jurisdictions, liberties, and privileges, to the same ports belonging, as to him or them shall seem most expedient. And that all and singular, ships, boats, and
other

other vessels whatsoever, by reason of trading at the province, or from the province aforesaid, coming into or going out of any of the same ports by the said Edmund Plowden, Knight, his heirs, and assigns, so to be erected and constituted, shall only be there loaded and unloaded; any use, custom, or any other matter or thing to the contrary notwithstanding. Saving and always reserving to all the English subjects of Us, our heirs, and successors, liberty of fishery, as well in the sea, as in the ports and creeks of the province aforesaid, and the privilege of salting, curing, and drying fish upon the shore of the same province, if the same hath hitherto been reasonably used and enjoyed, any thing in these presents contained to the contrary, notwithstanding; which said liberties and privileges aforesaid, the subjects of Us, our heirs, and successors, shall enjoy without doing any damage or injury to the before named Edmund Plowden, his heirs, and assigns, or any of the residents and inhabitants in the ports, creeks, or shores aforesaid, and particularly in the woods there growing; and if any person shall do damage or injury to the same, he shall undergo the peril of the heavy indignation of Us, our heirs, and successors, and the due chastisement and penalty of the law. **MOREOVER**, We will, ordain, and establish, and by these presents, for Us, our heirs, and successors, do grant unto the before named Edmund Plowden, Knight, and to his heirs, and assigns, that he the said Edmund, his heirs, and assigns, from time to time, for ever, may have and enjoy, all and singular, subsidies, customs, and impositions, in the ports for shipping, and all other places aforesaid, within the province aforesaid, payable or arising for merchandize, and things there to be laden and unladen. **AND**, further We will, and by these, for Us, our heirs, and successors, do covenant and grant to and with the said Edmund Plowden, Knight, his heirs and assigns. That We, our heirs, and successors, shall not at any time hereafter impose, or cause to be done or imposed, any imposition, custom, or other taxation whatsoever, in or upon the tenants or inhabitants of the province aforesaid, or any lands, tenements, goods or chattels, in or within the province aforesaid, or in and upon any goods or merchandizes within the province aforesaid, or within the ports or stations of ships in the said province, to be laden or unladen. And this our declaration and concession in all courts, and before whomsoever of the judges of Us, our heirs, and successors, for the sufficient and lawful acquittance from payment, from time to time to be received and allowed. And We will, and for Us, our heirs, and successors, do order and command, and forbid, all and singular, the officers and ministers of Us, our heirs, and successors, under the injunction of our heavy displeasure; that they in no time presume to attempt any thing contrary to the premises, or the same in any manner to contradict; but that to the before named Edmund Plowden, Knight, John Lawrence, Knight and Baronet, Bower Worsley, Knight, Charles Barrett, Esq; Roger Packe, William Inwood, John Trusley, Thomas Ribread, and George Noble, and to the inhabitants and merchants of *New Albion*,

and to their ministers, servants, factors, and assigns, they be at all times aiding and assisting in the most full use and enjoyment of this charter, as it becomes them. And, if by accident it shall hereafter happen, that doubts or questions shall arise concerning the true sense and meaning of any word, clause, or sentence in this our present charter contained, and that in order to obtain an explanation, the same shall be brought into some of our courts. And we will, order, and command, that in all such interpretations in any of our courts, it shall always be adjudged in the most benign, useful, and favourable manner, to the said Edmund Plowden, Knight, and his assigns, and to his associates before named, and to the rest of the inhabitants of *New Albion*. PROVIDED always, that no interpretation shall be made, by which the word of God, and the true christian religion, or the allegiance due to Us, our heirs, and successors, may in any wise suffer diminution, prejudice, or injury. Although express mention of the true yearly value, or the certainty of the Premises, or any of them, or of any other gift or grant by Us, or by any of our progenitors or predecessors unto the said Edmund Plowden, Knight, heretofore is not at all mentioned in these presents, or any other statute, act, ordination, provision, proclamation, or restriction heretofore done, had, made, ordained, or provided, or any matter, cause, or thing, whatsoever to the contrary thereof, in any wise notwithstanding. IN WITNESS whereof, we have caused these our letters to be made patent. WITNESS our said deputy-general of our said kingdom of Ireland, at Dublin, the twenty-first day of June, in the tenth year of our reign.

By Writ of Private Seal.

The Earl Palatine of Albion, in virtue of the above grant, at his own expence, settled the said province, and resided thereon, and acted as chief governor for many years.

COPY of a LEASE granted to Sir THOMAS DANBY, by LORD EARL PALATINE, of ALBION, of 10,000 Acres of Land for ever, and Sir THOMAS DANBY, is to plant 100 Residenter Settlers thereon, &c. Registered in ST. MARY, in MARYLAND, along with many other Deeds concerning ALBION.

[From Papers published by *Charles Varh*, who visited America in 1784, and 1785, as Agent for the *Earl of Albion*.]

THIS INDENTURE, Made between the Right Honourable Sir Edmund Plowden, of *Plowden*, in the county of *Salop*, Knight, Lord Earl Palatine, and governor of the province of *New Albion*, of the one part, and Sir Thomas Danby of the county of *York*, Knight, of the other part, WITNESSETH, that whereas, our late Sovereign, Lord, King Charles, by his Highness Letters-Patent, bearing date the one-and-twentieth day of June, in the tenth year of his Majesty's reign, under the great seal, hath granted to the said Sir Edmund Plowden, and other of his Peesseees, all that isle called *Isle Plowden*, and 500 miles compas of the main land. THIS INDENTURE WITNESSETH, that the said Earl Palatine, and governor, in Council, that the said Sir Thomas Danby, hath undertaken to settle 100 persons, to be resident planters in the said province, and for the better advancing the honour and service of God, the sovereignty, power, and dominion of the said province, hath given, granted, engrossed, and confirmed, and by these presents doth give, grant, engross and confirm unto the said Sir Thomas Danby, 10,000 English cres, by statute measure, whereof 9,800 acres are to be bounded in a perfect square, and lye near and upon part of *Rickney Wood*, within three miles of *Watsfessett*, his Lordship's plantation, and 100 acres lying entire, and adjoining to *Watsfessett Town*, and are situate between 39 and 40 degrees of the northern latitude, and also, 100 acres residue of the 10,000 acres, to lie, and be on the north-east end, or Cape of the great island called *Hamuntsky* or *Long Island*, part of the said province, and situate about six leagues from that part of *America*, called *New England*, near *Naragussetts* and *Slope Bay*, and is for a fishing stage; all which 10,000 acres, are to be meerd and bounded by the first part of the said province, together with all lands, pastures, meadows, woods, and underwoods, marshes, rivers, lakes, ponds, waters, fresh and salt; all games and free warring, and fishings within the same 10,000 acres, being (all royalties, regalities, and prerogatives, such and the like as his said majesty late had in England, always excepted) TO HAVE AND TO HOLD, the said 10,000 acres,

acres, above granted unto the said Sir Thomas Danby, his heirs, and assigns, for ever, yielding and paying for ever, one silver penny sterling, English money, for every person that shall be resident on the premises, in the name of head silver, to be held in free forage of the Lord Earl Palatine, of the premises for the time being, by the yearly rent of two ounces of fine silver, and the said Earl Palatine, doth give and grant, that the same 9,800 acres portion of land, shall be called by the name of the *Town and Manor of Danby Fort*; and that the said Sir Thomas Danby, his heirs, and assigns, shall for ever, within the precincts of the same, have full liberty and jurisdiction of a court baron and court leet, or law day, and therein to do justice, and hold pleas of any actions, surety or value, either by himself, or by his steward, so that the same exceed not £.10 sterling, for any civil cause whatsoever, and that the said Sir Thomas Danby, owner of the town and manor of *Danby Fort*, his heirs, and assigns, and in his or their absence, his or their steward, for the time being, shall have full power and authority, as any justice of the peace shall in England, to keep good order and rule, and the peace, and order justice in all criminal causes, and as the case and necessity shall require, to inflict corporal punishment, so as the same extend not to loss of life, or member. And as captain of the said town and manor of *Danby Fort*, and the limits thereof, shall have full power to command, train, muster, and roll to arms, all resident within the said town and manor; and the said town and manor, and plantation to fortify, embattle, and a platform to create, and the same to defend against all pirates, thieves, aliens, and savages, as captain and commander thereof, as free as the captain and governor of Portsmouth in England, by virtue of his office there, can or may do the same. Decreeing, and irrevocably ordering, by these presents, for ever, that all persons within the said manor or tracts thereof, residing or being, shall unto him or them, as lord or lords of the said manor, and captain and commander of the same, and justice within the same, at all times be respectful and obedient. And the said Sir Thomas Danby, for himself, his heirs, and assigns, doth covenant, promise, and grant, to and with the said Earl Palatine, and his successors, from time to time, to be ordered and obedient to all acts of parliament, and orders to be made by the governor and 12 of the council of the said province, for the common good and defence thereof, and offence of the enemies thereof, and to begin to people and plant the said plantation, with 50 men, within two months after their arrival there, and to be shipped hence in May next, or as soon as wind and weather will permit, the dangers of the seas only excepted, and within the first year to build and finish his house in *Wattlesett*, aforesaid, and within one year after to finish the said plantation and town of *Danby Fort*, and settle and continue there 100 able trained men, that is to say, until the said town of *Danby Fort* be built and finished; 50 to remain in *Wattlesett*, and after the finishing thereof, they to remain there, and to build and live in *Danby Fort*, not scatteringly, but unitedly, within one wall, bank, or

pallifadoe, leaving room and streets for 50 houses, the outside wall and covering to be of stone, tile, or turf. And that he, his heirs, and assigns, shall and will grant unto each labourer, artificer, and married couple, that will plant in the said manor and town aforesaid, and him or them within the town or plantation aforesaid, a house and yard plot, until they amount to 50 families, and to have 30 measured acres of the premises, and one acre near the wall for a garden plot, with timber and materials to finish the same, to each house and family of the 50 aforesaid, yielding to the said Sir Thomas Danby, and his heirs, for each house and piece of land aforesaid, suit of court, and a bushel of Indian wheat, yearly. And, that the said Sir Thomas Danby, his heirs, and assigns, owner of the said town and manor of *Danby Fort*, shall there keep good order, and rule, and watch, and not to alien, on any pretence, to any Indian or Indians, being not free denizens, nor suffer any to live or inhabit therein, not believing or professing the three christian creeds, commonly called the Apostolical, Athanasian, and Nicene; and shall and will yearly meet at a court leet, and law-day, to be kept at the said town of *Danby Fort*, in the said Earl Palatine's name, swear all officers and inhabitants above 12 years old, to be true, faithful, and obedient to the Earl Palatine, governor, and lord royal of the said province, his heirs, and assigns, and all writs and warrants, in cases of public criminals, and others, as captain and justice of the peace, (and the like) to issue in the name of the said Earl Palatine, as done against his peace and dignity, and the like forms in pleading to be observed, as in other county palatines hath formerly been, &c. &c. &c.

A RELEASE of such Persons as are mentioned in the Grant, in Trust for the EARL of ALBION, wherein they deliver up their Claim or Trust, in Consideration of 500 Acres of Land, to be given to them and their Heirs, out of the Lands of NEW ALBION.

[From Papers published by *Charles Varlo*, who visited America in 1784, and 1785, as Agent for the *Earl of Albion*.]

TO all christian people to whom this present writing shall come, Sir Edmund Plowden of Wansted, in the county of Southampton, Knight, Lord Earl Palatine, and governor of the Province of *New Albion*, and Thomas Ribread, Roger Packe, William Inwood, and John Trusser, patentees and adventurers, and freeholders of the said province, send greeting. WHEREAS our Sovereign Lord

King Charles, by his highnesses letters-patent, under the great seal of Ireland, bearing date the one-and-twentieth day of June, 1634, hath granted and confirmed to Us, and one Sir John Lawrence, Knight and Baronet, Sir Bowyer Worley, Knight, Charles Barrett, Esq: and George Noble, Gent. and our heirs, and assigns, for ever, all that island called Plowden Isle, Paramonky, Kudson's, and other isles, with 480 miles compass, or circuit of the main land and country of *America*, adjoining and lying near Delaware Bay, between *Virginia* and *New England*. AND TO HAVE AND TO HOLD the said title of Earl Palatine, and office of governor, together with all regalities, royalties, prerogatives, and powers, making of officers, judges, and magistrates, coining of money, giving pardons for life, and giving of titles and honours and dignities, making of wars and peace there together, with all customs and duties unto the said Sir Edmund Plowden, and his heirs, and assigns, for ever, as the very true and absolute Lord and propriatory of the said province, and as a free county palatine, as by the said letters-patent doth and may now at large appear. AND WHEREAS the said country had been found and discovered at the sole and only charges of the said Sir Edmund Earl Palatine, and at his like charges, we the said Thomas Ribread, Roger Packe, William Inwood, and John Trusler, have been named in the said patent, wholly in trust to the use and benefit of the said Sir Edmund, Earl Palatine, and his assigns, which trust We do by these presents fully acknowledge and declare. Now, know ye, that in performance of the said trust, and in consideration that the said Sir Edmund, Earl Palatine, hath freely given and bestowed upon every one of Us, and our heirs, a portion of the said province (viz.) to me, Roger Packe, 200 acres; to me, Thomas Ribread, 100 acres; to me, William Inwood, 100 acres; and to me, John Trusler, 100 acres, by us severally to be taken and divided, in and upon the south-east point of the river and port of Reacher Cod. And for that, the said Bower Worley and Charles Barrett, are since deceased, whereby the whole estate and interest in the said country is now in us, the seven parties above recited, by survivorship. For the true settling of full four parts in seven, to be divided of the said country, in us now being; We, the said Thomas Ribread, Roger Packe, William Inwood, and John Trusler, HAVE given, granted, engrossed, and confirmed, and by these presents, do give, grant, engross, and confirm, unto Francis, Lord Plowden, son and heir of the said Sir Edmund, Earl Palatine, and unto George Plowden, and Thomas Plowden, two other of the sons of the said Sir Edmund, Earl Palatine, their heirs, and assigns, for ever, all that, our four parts in seven to be divided of the said province of *New Albion* country, lands and isles, and other the premises before mentioned in *America*, being with their and every of their profits and appurtenances to the same belonging. TO HAVE AND TO HOLD the said four parts, lands, isles, profits, and other the premises and their appurtenances, unto the said Lord Francis George, and Thomas

Thomas Plowden, their heirs, and assigns, for ever, to the use of the said Sir Edmund, Earl Palatine, during his natural life, and with full power for him to make and grant what estate he please, either in fee simple, fee tail, for life or years, and after his decease, then to the use of all and every the children, both males and females, of the body of the said Sir Edmund, Earl Palatine, begotten, and upon default of such issue, then to the right heirs of the said Sir Edmund, Earl Palatine, for ever. IN WITNESS whereof, we the said Thomas Ribread, Roger Packe, William Inwood, and John Trufler, together with the said Sir Edmund Plowden, Earl Palatine, have put to our hands and seals, this twentieth day of December, and the tenth year of the reign of our Sovereign Lord King Charles, 1634.

Sealed and delivered in the presence of us,

VALL. HAVARD.

RICHARD BENHAM.

An AGREEMENT between the Managers and Principal Adventurers of the West-India-Company, made with the Approbation of the High and Mighty Lords the States General.

[De Laet Jaerlijk Verhael.]

THE STATES GENERAL of the United Netherlands, to all to whom these Presents shall be shewn, greeting. Know ye, that whereas it has been made to appear to us by certain deputies of the incorporated West-India Company, of the Chamber of Amsterdam, that they have been engaged in several ways, as well in the meeting of Managers, as also frequently with their Committees, to the End that in Time good Order and Government may be made and established among them, to the Satisfaction of the good Members; that they may the better and with more Profit speedily apply themselves to this Work, and get subsequent Matters into a proper Channel;— beseeching our Approbation, that they by the Form of an Amplification of their Charter, or otherwise by framing an Order of the aforesaid particular Chamber of Amsterdam, or in such Manner as we in Council shall think proper, and have presented several Things to us for that Purpose, and that we, as before, should resolve thereupon

thereupon, we have thought fit to send a Copy thereof to the respective Chambers of the West India Company, that they should maturely examine it, confer with the principal Adventurers and their Deputies, and to send some Deputies of the principal Adventurers to us, fully empowered and authorized for this Purpose, and whatever else may serve to promote so necessary a business, to meet in mutual Conference, and so to agree practicably and finally, with our Approbation. And that a suitable number of the Deputies of the respective Chambers, the Directors and principal Adventurers may meet for that Purpose, and superintend the following,—the Induction and Debates of our Committees in their different Conferences, Communications, and Deliberations; and finally that the Managers, Directors, and principal Adventurers, without Prejudice to the Provinces and respective Cities, for promoting the West India business, have mutually agreed upon the following Articles;

I. That no alteration, Extension, or Interpretation of the Charter or its Dependencies, shall be desired by the Managers nor principal Adventurers, or any others, except by a previous Meeting and Communication, and the Approbation of a Majority of the Managers and principal Adventurers who shall be present in that Meeting.

II. That in all Meetings in which the Managers and principal Adventurers shall be engaged in Business together, or the principal Adventurers alone and without the Managers, all Nominations, Deputations, and Elections shall be made with one Name at once, by putting Tickets into the Hands of the President, or in some other secret Manner.

III. That the Company shall take up no money on Interest or Deposit, but with the Advice and Consent of the major Part of the Managers and principal Adventurers: nevertheless the respective Chambers may, in Case of Necessity, for one Voyage only, each take up the twentieth part of the Capital of their Chamber, and the said Chamber shall not take up any more before that is paid off.

IV. That all Accounts, mentioned in the 15th Article, shall be drawn out in the Style of Business, by the Committee to be nominated by the principal Adventurers, and admitted under Oath, in the Time mentioned in the said 15th Article, which Committee shall make Report thereof only in Gross to the other principal Adventurers: And the said Committee shall be bound by an Oath not to divulge, but to keep every Thing secret which the Managers must keep secret. They shall moreover be under the Prohibition made by the 31st Article of the Charter for the Managers, respecting buying and selling during the Time of two Years.

V. That the said Committee shall have and exercise, for the principal Adventurers, the Right given and granted by Article 27 to the Agents: And moreover,

to examine the Books, Invoices,——and other Documents at their Pleasure, and inspect Merchandize, and Letters concerning Business.

VI. That the first two vacant Places of the Managers at Amsterdam, the two first of Zealand, and the first in the Chamber of the Maeze, shall successively be supplied and filled up by the principal Adventurers of the respective Chambers absolutely by Plurality of Voices, the elected being bound by the same Oath with the other Managers, and having Administration as the other Directors, and shall be obliged to communicate to the principal Adventurers what concerns them, to preserve their Right in the said Meetings of the Managers, according to the Situation of Affairs, to call them together, and shall be specially bound to and revokable by the aforesaid principal Adventurers, the rest of the Directors remaining successively eligible by the respective Chambers according to the Charter, or so, as is already ordained, or shall be hereafter ordained in the respective Provinces : And that by Provision, two of the principal Adventurers of each Chamber of Amsterdam and Zealand respectively, and one of the Chamber of the Maeze, shall be a Committee, besides that mentioned in the foregoing Article, to take Care of their aforesaid Right in the mean Time, until one or two Places shall be vacant.

VII. When the nineteen shall meet together, the principal Adventurers of the Chamber of Amsterdam shall choose one of the two Managers or provisional Committee aforesaid, that he may be one of the eight Managers in the said Meeting for the Chamber of Amsterdam. In like Manner the principal Adventurers of Zealand shall choose one of the aforesaid two Managers or provisional Committee, by them absolutely appointed, to be one of four Managers for their Chamber in the Meeting of nineteen. And the aforesaid principal Adventurers, as well of the Chamber of Amsterdam as of Zealand, shall each choose one of the sworn Committee, mentioned in Article 4 and 5, to assist each of the aforesaid Deputies, in the aforesaid Meeting of nineteen, nevertheless, without that, those who are met shall have a separate Vote. And that the other Chambers may know the Cause of such Meeting, those who are met of the Chamber of Amsterdam shall communicate it to the principal Adventurers of North Holland, and the City and Country ; and those who are met of the Chamber of Zealand shall advise those of the Maeze of the Business of the aforesaid Meeting, as far as it may be communicated.

VIII. That hereafter no Person shall be chosen a Manager who is in the Service, of the East India Company : in like Manner, a Father and Son, or Brothers, of the whole or half Blood, shall not be chosen Managers in one Chamber. And the Managers shall receive no Commissions until they give up their Service in the other Company.

IX. Whereas it is necessary for the Satisfaction of every one, that the Time of subscribing to this Company should be prolonged, therefore the aforesaid Subscription

is prolonged, for Inhabitants, to the last of August, and for Foreigners, to the last of October next, both New-Style, and it shall be made known by Advertisements: after that, no Person shall be admitted, but every Chamber shall be obliged to close its Capital the first Day after the last of October, and eight Days thereafter, to send a Copy to each other: Provided, that the Outfit which is got ready shall continue for the Use of the Company, and that those who have furnished Money for others, or shall yet furnish it, shall receive Interest therefor at the Discretion of the nineteen.

X. And concerning the general Account mentioned in Article 16 in the Charter, and the changing of a third Part of the Directors in Article 14, to maintain good Order and a general Equality in all the Chambers, it is found necessary that the said general Account be made, (six Years from the Date of the Charter beginning the third of June 1621, New Style) according to the the Custom of Trade, in public, with the Advice of the aforefaid Committee of the principal Adventurers of the respective Chambers, and so on successively every six Years to make a like general Account: But the Remainder of the Accounts shall be deliberated upon, in Order, by the Meeting of nineteen, to the End that the Directors who go off, may depart with clear Accounts if it be practicable. And the first Change of a third Part of the Directors shall be made six Years after the third of June this Year 1623, and so on successively every two Years, agreeable to the Charter.

XI. And that this Company may be under good Government to the greatest Profit and Satisfaction of all the Participants, We have ordained that the same Government shall consist of five Chambers of Directors—One within Amsterdam, who shall have the Administration of four-ninth Parts: one Chamber in Zealand, for two-ninth-parts: one Chamber in the Maeze, for one-ninth Part: one Chamber in the North Quarter, for one-ninth Part: and the fifth Chamber in Vriezelandt, together with (Stadt Ende Landen) *City and Country*; also one-ninth Part upon Condition entered in the Register of our Resolutions and the Acts passed: and the Provinces in which there shall be no Chamber, shall be accommodated with so many Directors divided among the respective Chambers, as they shall furnish one hundred thousand Guilders to the Company.

And, XII. If any Thing should happen from which Law-Suits may arise to the Disadvantage of the Company, the Directors shall do all in their Power to settle the Matter amicably (if possible), if not, to communicate it to the principal Adventurers, that they may act therein with common Advice, in such Manner as shall be found most to the Advantage of the Company.

We having examined and considered the aforefaid Articles, and being desirous to promote Unity and Concord between the Directors and principal Adventurers, and

the Advancement of the West-India Company, have, with the Advice of the Prince of Orange, thought fit to agree to, and approve of, and do hereby agree to, and approve thereof, and direct that the same shall be punctually attended to and observed by the Directors, Members, and every Person concerned therein, in the same Manner as if they were inserted in the Charter; because we find them proper for the Service of the West India Company.

Given under our great Seal, the Rubrick and Signature of our Recorder, at the Hague, the one and twentieth of June, sixteen hundred and twenty-three.

It was countersigned,

N. van Bouckhorst, VT.

Underneath was written,

The Ordinance of the High and Mighty Lords the States General.

Subscribed,

C. AERSSEN.

It had a Seal in red Wax, pendant by a white silk string.

ORDERS *agreed on at severall Times for the general Good of the Collony, and the better Government and Preferuation of the same.*

[Plymouth Colony Records, Lib. I. Fo. 40.]

IT was ordained 17 day of Defemb. Anno 1623. by the Court then held, that all cryminall facts, and also all maters of trespassses, and debts, between man and man, should be tried by the verdict of twelve honest men, to be ympaneled by authority, in forme of a Jurie vpon their oaths.

It was decreed by the Court held the 29. of March, Anno 1626, that for the preventing of such inconueniences, as doe, and may befall the plantation by the want

of

of timber, that no man, of what condition soever, sell or transport any maner of works, as frames for howses, planks, bords, shiping, shalops, boats, canoes, or whatsoever may tende to the destrucktion of timber aforefaid, how little soever the quantitie be; without the consent, approbation, and liking of the gouvernour and counsell;

And if any be found faulty herein, and shall imbarke, or any way convey to that end to make selle of any the goods aforefaid, expressed or intended by this decree, the same to be forfeited, and a fine of twife the value for all so found to be duly taken by the Gouvernour for the use and benefite of the Company.

It was further decreed, the day and year above written, for the preventing of such abuses, as doe and may arise amongst vs; That no handicrafts man of what profession soever, as taylors, shoemakers, carpenters, joiners, smiths, sawiers, or whatsoever which doe or may reside or belong to this Plantation of *Plimoth*, shall use their science or trade, at home or abroad, for any strangers or foriners, till such time as the necessity of the Collony be served, without the consent of the Gouvernour and counsell. The breach thereof to be punished at their discretion.

It was ordained the said 29. of March, 1626, for the preventing scarcity, as also for the furthering of our trade, that no corne, beans, or pease, be transported, imbarcked, or sold to that end, to be conveyed out of the Collony, without the leave and licence of the Gouvernour and Counsell; the breach whereof to be punished with loss of the goods so taken, or proved to be sold; and the seller further fined, or punished, or both, at the discretion of the Gouvernour and Counsell.

It was agreed upon by the whole court, held the 6. of January, 1627, That from henceforward, no dwelling house was to be covered with any kind of thatch, as straw, reed, &c. but with either bord, or pale, and the like; to wet, of all that were to be built in the towne.

Division of the Cattle at New Plymouth.

[Plymouth Colony Records, Lib. I. Page 50, 1627]

AT a publick Court held the 22d. of May, it was concluded by the whole company, that the cattel which were the companies, to wit, the cows and the goats, should be equally divided to all the persons of the same company, and so kept until the expiration of ten years after the date above written, and that every one should well and sufficiently provide for their own part, under penalty of forfeiting the same.

That the old stock, with half the Increase should remain for common use, to be divided at the end of the said term, or otherwise as occasion falleth out, and the other half to be their own for ever.

Upon which agreement they were equally divided by lot, so as the burthen of the keeping the males then being, should be born for common use, by those to whose lot the best cows should fall.

May 22. It was further agreed at the same Court.—

That if any of the cattle should by accident miscarry, or be lost or hurt, that the same should be taken knowledge of by indifferent men; and judged whether the loss came by the negligence or default of those entrusted:—And if they were found faulty, that then, such be forced to make satisfaction for the companies, as also their partner's damage.

The 3d. of January 1627, it was agreed in a full Court, about deuision of lands as foloweth.

[Plymouth Colony Records, Lib. I. Fo. 60.]

I. That the first deuision of the acers should stand, and continue firme, according to the former deuision made vnto the possessors ther of, and to their heirs for euer, free liberty being referued for all, to get firewood ther on, but the timber trees wer excepted for the owners of the ground.

II. That the 2. deuision should consist of 20 acers to euery person; and to containe five in bredth, and four in length; and so accordingly to be diuided by lott, to euery one which was to have share ther in.

III. The ground to be judged sufficient before lots were drawne, and the rest to be left to common use.

IV. This being don, that for our better subsistence and conuenience, those grounds which are nearest the towne, in whose lott so ever they fall, shall be used by the whole for the space of 4 years from the date hereof; viz, First, that the right owner make choyce of twise that quantity, he shall or may use within the said terme, and then to take to him such neighbours as shall have nede and he thinke fite; but if they cannot agree, then the Gouvernour and Counsell may appoint as they think meet: Provided that the woods be ordered for felling and loping according as the owner shall appoint; for neither fire wood, nor other timber, either for building or fencing, or any other vse, is to be felled or carried of, of any of these lots, without the owners leave and licence, but he is to preferue them to the best advantage.

That

V. That what soeuer the sruceighors judg sufficient, shall stand without contradiction or opposition, and euery man shall rest contented with his lott.

VI That after the purchasars are serued, as aforesaid, that then such planters as are heirs to such as died before the right of the land was yeilded to the aduenturers, have also 20 acres a person, proportionable to their right laid out in part of their inheritance.

VII. That first they shall begine wear the acers of the first diuision end, and lay out that to the Eele River, so farr as shall be thought fitt by the surueighers; and returne to the north sid of the town, and so proceed accordingly. And that they leaue all great timber swamps for common vse.

VIII. That fouling, fishing, and hunting be free.

IX. That the old path-waies be still allowed; and that euery man be allowed a conuenient way to the water weer so euer the lot fall.

X. Lastly, That euery man of the surueighers have a peck of corne for euery share of land laid out by them, to be payed by the owner ther of when the same is layd out.

The names of layers-out were these,

WILLIAM BRADFORD,

FRANCIS COOK,

EDWARD WINSLOW,

JOSUA PRATT,

JOHN HOWLAND,

EDWARD BANGS.

*The ACT of AMPLIFICATION of the Dutch West India Company's
Charter of the thirteenth of February, sixteen hundred and twenty-three.*

[De Laet. Jaerlijck Verhael.]

THE STATES GENERAL of the United Netherlands, to all who shall see these Presents, or hear them read, Greeting. KNOW YE, that We having heard in our Meeting on the four and twentieth of March, in the Year sixteen hundred and twenty-two, that it was proposed by certain Extraordinary Messengers from the Lords the States of Holland and West Friesland, that for the better promoting the West India Company, it was necessary that the Salt Trade to *Punto del Rey*,

Rey, situate within the Limits of the said Company's Charter, and formerly excepted out of it, should be included in the aforesaid Charter, and that all other Salt Trades, situate without the Limits of that Charter, should be left free and out of it: That the principal Members of the aforesaid Company should have the Nomination of a triple Number, out of which the Managers should be chosen; and moreover, that the Cities, in which there are no Chambers, putting in out of their Funds in one Name, an hundred thousand Guilders or more, upon a Nomination as aforesaid, may be intitled to appoint one Manager, for each hundred thousand Guilders, in such Chamber, where they may think proper to lodge their Money. Desiring that we will amplify the aforesaid Charter to the abovementioned West India Company with the aforesaid Articles, that the Company may be complete; which being by us at this Time well and maturely deliberated upon we have declared and consented, that the aforesaid Salt Trade at *Punto del Rey*, shall be comprehended as we have included it, in the aforesaid Charter of the West India Company, under the Order and Interdiction therein contained. And with Respect to the two other Articles, we have further declared, that by Virtue of the 13th article of the aforesaid Charter, the free States of Holland and West Friesland, and likewise of all the other Provinces, shall have the Nomination of Managers, in addition, as before, for the best Service and Advancement of the Company. Moreover, we have agreed and consented, that the Cities in which there are no Chambers, upon advancing out of their Funds, one hundred thousand Guilders, or more, upon a proper Nomination of the principal Members, shall for each hundred thousand Guilders, appoint one Manager in such Chamber where they may think proper to lodge their Money. Forasmuch as we are now desired by the Managers of the West India Company, to cause a suitable Instrument in Writing, to be drawn up, signed, subscribed, and sealed with our Great Seal, as is proper, we have, agreeable to our Resolution of the aforesaid four and twentieth of March, caused these our Letters to be for all the Purposes aforesaid: Promising to keep them, well, firmly, and truly, and ordain that all Persons govern themselves accordingly. Thus done in our Meeting, under our Great Seal, and the Rubrick and Signature of our Recorder, in the Hague, the thirteenth of February, 1623.

Counterigned, J. MAGNUS, Vr.

In the Fold * was,

The Ordinance of the High and Mighty Lords the States General.

Subscribed, C. AERSSSEN.

It had a Seal in red Wax, pendant by a white Silk string.

De

* This refers to a *Fold* or *Doubling*, at the bottom of the Parchment or Paper on which the Act was written.

De COMMISSIONE HENRICO Vicecomiti Mandeville, et aliis.

[Rymer's Fœdera, Tom. XVII, p. 609. A. D. 1624.]

JAMES, by the Grace of God, &c. to our right trusty and well beloved Cosen and Councillor, Henry, Viscount Mandeville, Lord President of our Councell, and to our right trusty and well beloved William Lord Pagett, and to our right trusty and well beloved Councillors, Arthur, Lord Chichester, Baron of Belfast, Sir Thomas Edmonds, Knighte, Tresorer of our Household, Sir John Suckling, Knighte, Comptroller of our Household, Sir George Calvert, Knighte, one of our Principall Secretaries of State, Sir Edward Conwey, Knight, one other of our Principall Secretaries of State, Sir Richard Weston, Knight, Chancellor and Under Tresorer of our Exchequer, and Sir Julius Cæsar, Knight, Master of our Rolls, and to our trusty and well beloved Sir Humfry May, Knighte, Chancellor of our Duchy of Lancaster, Sir Baptiste Hickes, Knight and Baronet, Sir Thomas Smith, Knight, Sir Henry Mildmay, Knight, Mailter of our Jewel House, Sir Thomas Coventrye, Knight, our Attorney Generall, Sir Robert Heathe, Knight, our Solicitor Generall, Sir Ferdinando Gorges, Knight, Sir Robert Killigrew, Knight, Sir Charles Montagu, Knight, Sir Phillippe Carie, Knight, Sir Francis Goston, Knight, Sir Thomas Wroth, Knight, Sir John Wolstenholme, Knight, Sir Nathaniell Riche, Knight, Sir Samuel Argall, Knight, Sir Humfry Handforde, Knight, Matthew Sutcliff, Doctor of Divinitye, and Deane of Exeter, Francis White, Doctor of Divinitye, and Deane of Carlisle, Thomas Fanshawe, Esquire, Clerke of the Crowne, Robert Johnson, Alderman of London, James Cambell, Alderman of London, Raphe Freeman, Alderman of London, Morice Abbot, Esquire, Nathaniell Butler, Esquire, George Wilmore, Esquire, William Hackwell, Esquire, John Mildmay, Esquire, Philipp Jermayne, Esquire, Edward Johnson, Esquire, Thomas Gibbes, Esquire, Samuel Wrote, Esquire, John Porey, Esquire, Michael Hawes, Esquire, Edward Pallavacine, Esquire, Robert Bateman, Merchante, Martyn Bonde, Merchante, Thomas Stiles, Merchante, Nicholas Leate, Merchante, Robert Bell, Merchante, Abraham Cartwright, Merchante, Richard Edwards, Merchante, John Dyke, Merchante, Anthony Abdy, Merchante, William Palmer, Merchante, Edward Dachfield, George Mole, Merchant, and Richard Morer, Greeting, Whereas heretofore, at the humble suite and requeste of divers our loving subjects, intending to deduce a colony, and to make habitation and plantation of fundry our people, in that *Parte of America commonly called Virginia*, and other partes and territories in *America*; Wee, greatly commending and graciously accepting theire desires to the furtherance of so noble a worke, which might by the Providence of Almighty

mightie God, thenafter tend to the glorie of *his Majestie*, in propagating religion to such people as then lived in darknes and miserable ignorance of the true knowledge and worshippe of God, and might in tyme bring the Infidels and Savages in those partes to human civilitye, and to settled and quiett government; Did, by our letters patentes in the *fourth yere of our Raigne of England*, graunte to divers Knightes, Gentlemen, and others, for the more speedie accomplisshement of the said Plantation; that they should devide themselves into twoe colonies, the one consisting of divers Knightes, Gentlemen, merchantes, and others of our *Citty of London*, called *the first Colony*, and the other of fundrie Knightes, Gentlemen, and others of the *Cities of Bristol and Exeter, the Towne of Plymouth*, and other places, called *the Second Colony*. And Wee did by the said Letters-patentes, grante that the said colonies might make theire plantations and habitations in certayne places in the same Letters-patentes expressed. And Wee did thereby also grante that the said colonies should have divers landes, groundes, havens, portes, commodities and hereditaments, and divers privileges and liberties, for their quiett settling and good government in the said plantations: In and by which Letters-patentes Wee did declare our pleasure that We, our heires and successors, would from tyme to tyme ordeyne and give such further instructions, lawes, constitutions, and ordinances, for the better rule and government of such as so should make plantation there, as to us, our heires and successors, should from tyme to tyme, be thought convenient. And whereas, Wee accordinge to the effecte and true meaning of the said Letters-patents did, by severall letters under our privy seale prescribe and give orders, ordinances, and constitutions, for directing and ordering the assayres of the same first colony. And whereas, afterwards, upon the petition of divers of our loving subjects, as well adventurers as planters of the said *first Colony*, Wee did by our Letters-patentes in the *seaventeenth yere of our raigne*, mention to incorporate divers Noblemen, Knights, Gentlemen, and others, therein particularly named, and all others that should be admitted to joyne with them, by the name of *Treſorer and Company of Adventurers and Planters of the Citty of London for the first Colony in Virginia*, graunting unto them divers landes, territories and countries, in the said Letters-patentes mentioned; with provision that they should distribute, convey, and assigne under their common seale such particular portions of lands to the said adventurers and planters as upon a commiſſion of survey to that purpose, should be named, appointed and allowed: And Wee did thereby also graunte, that there should be a councill here resident for the managing of the affaires of the said colonye, with power to place and displace officers, and make lawes and ordinances for the government of the said colonye and plantation, and the affaires of the Company: And Wee granted unto the said Treſorer and Company, and their successors, divers powers, liberties, and authorities. And afterwards by our Letters-patents in the *nynth yere of our Raigne of Englande*, Wee, for the confide-

rations therein exprest, did further mention to give the said Tresorer and Company, and their successors, divers other islandes within the ocean seas within the lymits, in the said Letters-patentes exprest, with other powers and authorities, as by the said Letters-patentes may appear. And whereas Wee, out of our zeal and affection to the furthering of the said Plantations, having a watchfull and careful eye to the same, and finding the courses taken for the settling thereof, had not taken that good effect which Wee intended and so much desired, did by our Commission lately granted to certayne persons of quality and truste, cause the state of the said countrie of *Virginia* to be examyned howe yt stood, as well in pointe of lyvelihood as government? And how, and in what manner the great sommes of Money collected, and intended for the good thereof, had been expended and disbursed? to the end, (if good cause were) We might by our royal hand supplye what should be found defective. And whereas our Commissioners, after much care, labour, and paynes expended in execution of our said Commissions, did certifie Us that our Subjects and People sent to inhabit there, and to plant themselves in that countrey, were most of them by God's visitation, sicknes of bodye, famyne, and by massacres of them by the native savages of the lande, dead and deceased, and those that were living of them lived in miserable and lamentable necessity and want; but the Country, for any thing appered to the said Commissioners to the contrary, they conceived to be fruitfull and healthfull, after our People had been some time there; and that yf industrie were used yt would produce many Staple and good Commodities, though as yet the sixteene yeres government now past had yielded few or none: and that this negleste they conceived, must fall on the Governors and Company here, who had power to direct the Plantations there, and that the said Plantations are of greate ymportance, and would, as they hoped, remayne a lasting Monument of our most gracious and happy Government to all posterity, yf the same were prosecuted to those ends for which they were first undertaken: And to that purpose, that yf our first Grante herein mentioned, and our most prudent and princely instructions given in the begynning of the plantation for the direction of the affaires thereof, by thirteene councillors in *Virginia*, all nomynated by Us, had been pursued, much better effects had been produced, than had been by the alteration thereof into so popular a course, and amongst so many handes as then yt was, which caused much contention and confusion; whereuppon We entering into mature and deliberate consideration of the premisses, did, by the advice of the Lordes of our Privie Councell, resolve, by altering the Charters and Letters-patentes of the said Company, as to the points of governement wherein the same might be found defective, to settle such a course as might best secure the safetye of our People there, and cause the said Plantation to flourish, and yet with preservation of the interest of everie Planter or Adventurer, soe far forth as theire present interests shall not prejudice the publique Plantations: But because the said Tresorer and

Companye did not submit theire Charters to be reformed, our proceedings therein were stayed for a time, untill, upon a *quo warranto* brought, and a legall and judiciall proceeding therein by due course of Lawe, the saide Charters are avoided. Nowe, forasmuch as we are still resolved and determynd to proceed in the course which We ever intended for the good of the saide Plantation, which our desire is to effecte and establish by a new Charter, to be made in such manner as shall be founde most convenient for the generall good of the saide Plantation and Colony; and because the pointes of the saide Charter newly to be granted may be many, and as well in respect of the number as of the nature and consequence of them, will require advised consideration and deliberation before yt be passed, and much tyme, care and paines must be taken therein, and yet the leaste delay may prove perilous to the saide Plantations and Colony, which may suffer much inconveniency for wante of good government and direction, yf in the mean tyme it be not well ordered. Knowe yee, that Wee, for the better progression to the effecting of this our royal pleasure, and reposing assured truste and confidence in the understanding, care, fidelity, and circumspection of you the saide Lorde Presidente of our Councell, Lord Paget, Lord Chichester, Sir Thomas Edmondes, Sir John Suckling, Sir George Calverte, Sir Edward Conwey, Sir Richard Weston, Sir Julius Cæsar, Sir Humfrey May, Sir Baptiste Hickes, Sir Thomas Smith, Sir Henry Mildmay, Sir Thomas Coventrye, Sir Robert Heath, Sir Ferdinando Gorges, Sir Robert Killigrew, Sir Charles Montague, Sir Phillipp Carie, Sir Francis Goston, Sir Thomas Wroth, Sir John Wolstenholme, Sir Nathaniel Rich, Sir Samuel Argall, Sir Humfry Handforde, Matthewe Sutcliff, Francis White, Thomas Fanshaw, Robert Johnson, James Cambell, Raphe Freeman, Morice Abbott, Nathaniel Butler, George Wilmore, William Hackwell, John Mildmay, Philippe Germaine, Edward Johnson, Thomas Gibbes, Samuel Wrote, John Porey, Michael Hawes, Edward Palavicine, Robert Bateman, Martyn Bonde, Thomas Styles, Nicholas Leate, Roberte Bell, Abraham Cartwright, Richard Edwardes, John Dyke, Anthony Abbye, William Palmer, Edward Dachfield, George Mole, and Richard Morer, Have assigned and appoynted you to be our Commissioners: And We doe hereby give unto you, or any six or more of you (whereof some of you the saide *Lord Presidente* of our Councell, Lord Chichester, Sir Thomas Edmondes, Sir John Suckling, Sir George Calverte, Sir Edward Conway, Sir Richard Weston, and Sir Julius Cæsar, to be one) full power and authoritie to take into your considerations the state of the saide Colony and Plantation, and to treat, consulte and consider, of all matters whatsoever concerning the saide Colony and Plantation, as well for the safety of the people there, strength of the Place, and Governmente to be exercised there, as for the managinge of the busines and affaires thereof here in England; and, upon deliberate consideration thereupon had, to directe and settle all busines and affaires concernyng the
same

same in such manner, and by such orders, rules, and directions, and such good wayes and meanes as you, or any such six or more of you as aforesaid, shall for the presente, in your wisedomes and discretions, finde most necessarie fyt and convenyent. And, to the end you may the better be enabled to performe the same, Wee doe hereby give unto you, or any such six or more of you as aforesaid, full power and authoritye to putt in execution, and to doe, performe, and execute, according to your good discretions, all, every, or any of the powers, authorities, priviledges, matters and things whatsoever concernyng the saide Colony and Plantation, and the Inhabiters, Planters, and Adventurers of, in, or unto the same, which by the aforesaid Letters-patents, or any of them, Wee mentioned to be graunted to the saide Tresorer and Company, or any of them, or to the Tresorer and Councell for the saide *First Colony*, or any of them, or which they, or any of them might have done, executed, or performed by vertue of any oure saide Charters, Letters-patentes, Grauntes, or Instructions whatsoever, before the judgment given upon the said *Quo Warranto*; and to take into your handes, or into the handes of such as you, or any such six or more of you shall appoint, all such Goodes, Chattels, Merchandizes, and Money as are in the handes of any person or persons, for or concernyng the publike use of the saide Colony and Plantation, or any of them, or of the saide pretended Governor and Company; and further, to give order and direction for sending of supplye to the saide Colony, as well by and oute of the saide Goods, Merchandizes and Money, as by such other way or meanes as you, or either such six or more of you as aforesaid, shall thinke fyt and convenyent: And further, that you, or any such six or more of you as aforesaide, shall have full power and authority by vertue of theise presents, to give direction for assembling and calling together from tyme to tyme, as occasion shall require, the Adventurers or Planters, to conferre with them of and concernyng such matters and thinges as may in any wise tend to the advauncement, furtheraunce, or setling of the saide Plantation; and to appoint Committees, for the due preparation of such assayres of the saide Plantation, as to you, or any such six or more of you, shall seeme meete and convenient. And further, Wee do by theise presentes, give like power and authoritie unto you, or any such six or more of you, to consulte, consider of, propose, and set downe, all such matters and thinges as you in your judgments and discretions shall thinke moste necessarie and convenient for the setling and establishing of the Governement of the saide Colony or Plantation, and concernyng the Planters and Adventurers and Inhabitantes thereof, and of the Trade and Traders to and from thence, and of all other thinges whatsoever, requisite for the uphoulding, mayntenance, increase and continuance of the same Colony or Plantation, Trade or Traffique, which may be necessary to be incerted in the new Charter by us intended to be made for the good of the saide plantation and colony: And Wee doe hereby signifie and declare, that in case

you in your proceedings upon this Commission, shall upon any question or doubt which shall arise, fynde yt requisite to certifie any of your proceedings, and pray ayde from us or our Privie Councell, that then upon certificate of such your proceedings and doubt unto the Councell boarde, from whence Wee may receive information thereof, Wee, or our Privye Councell, will give such directions and assistance for further proceeding in everie such case as shall be most necessary and convenient. And our further will and pleasure ys, that yf any Person or Persons shall, at any tyme or tymes hereafter, be willing to joyne together in the rayfing of any magazin or joynte-stock to be sent unto the said Colony, that in such case everie such Adventurer, foe by your consent and privity adventuring as aforesaid, shall have a free voyce in the ordering, managing, and disposing of such magazyn or jointe-stock, or anything concerning the same. And, for your better helpe and assistance in the exacte execution of this our pleasure, Wee doe by theise presents gyve unto you, or any such six or more of you, power and authority to take unto your handes and custody, the Seales of the Treforer, Company and Councell of *Virginia*, and to take into your handes, and to keepe and peruse, all and singuler such Charters, Letters-patentes, Grantes, and Instructions as have by Us been heretofore made, graunted, or given, or mentioned to be made, granted, or given to the said Treforer and Company, or any other concerning the said Colony and Plantation; and all Bookes, Orders, Letters, Advices, and other Writings and things in any wise concerning the said Colony and Plantation, in whose handes soever the same be, requiring all persons to deliver the same unto you, whereby you may be the better informed and enabled to proceed in this worke of foe deepe and greate ymport and consequences; willing and requiring you to be dilligent and attendante in the execution of the same. And lastly, our will and pleasure is, that this our Commission shall contynue in force untill such time as We, by writing under our signet, or privie seale, shall signifie our pleasure to the contrary: And that you, our said Commissioners, shall and may, from tyme to tyme, proceed in the execution of the same, and of all things therein conteyned according to the true meaning thereof, although the same be not contynued by adjournment.

In Witnes whereof, &c.

Witnes our selfe, at *Westminster*, the fifteenth day of July.

PER IPSUM REGEM.

De

De Commissione speciali concernente Gubernationem in Virginia.

[Rymer Vol. XVII. Page 618, A. D. 1624.]

JAMES, by the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. To our trustie and welbeloved, Sir Francis Wyatt, Knight, Francis West, Esquire, Sir George Yardley, Knight, George Sandys, Esquire, Roger Smith, Esquire, Ralph Hamor, Esquire, John Martin, Esquire, John Harvey, Esquire, Samuel Mathewes, Esquire, Abraham Percy, Esquire, Isaack Maddison, Esquire, and William Clayborn, Esquire, Greeting. Whereas heretofore, at the humble suite of divers of our loving Subjects, intending to deduce a Colonie, and to make Habitation and Plantation of sundry our People in that parte of *America*, commonly called *Virginia*, and other parts and territories in *America*; Wee, greatly commending and graciously accepting their desires to the furtheraunce of soe noble a worke, did, by our Letters-patents in the fowerth yere of our raigne of *England*, graunt to divers Knights, Gentlemen, and others, for the more speedy accomplishment of the said Plantation, that they should devide themselves into twoe Colonies, the one consisting of divers Knights, Gentlemen, Marchants, and others of our *Cittie of London*, called the *First Colonie*; and the other, of sundry Knights, Gentlemen, and others of the *Citties of Bristol and Exeter*, the *Towne of Plimouth*, and other places, called the *Second Colonie*; and Wee did by the same Letters-patents graunt, that the said Colonie might make their Plantations and Habitations in certaine places in the same Letters-patents expressed; and that the said Colonies should have divers lands, grounds, havens, portes, commodities, and hereditaments, and divers priviledges and liberties for the quiet setling and good government in the said Plantations: In and by which Letters-patents, Wee did also declare our pleasure, that Wee, our heires and succeffors, should from tyme to tyme, ordayne, and give such further Instruptions, Laws, Constitutions, and Ordinance, for the better rule and government of such as soe should make Plantation there, as to Us, our heires and succeffors, should from tyme to tyme be thought convenient. And whereas Wee, according to the effect and true meaning of the said Letters-patents, did, by severall Letters under our privy Seale, prescribe and give orders, ordinances, and constitutions, for the directing and ordering of the affaires of the said *First Colonie*; and whereas afterwards, upon the petition of divers of our loving Subjects, as well Adventurers as Planters of the said *First Colonie*, Wee did by our Letters-patents in the seaventh yere of our raigne, mention to incorporate divers Noblemen, Knights, Gentlemen, and others, therein particularly named,

named, and all others that should be admitted to joyne with them, by the name of *Treasurer and Company of Adventurers and Planters of the Cittie of London, for the First Colonie in Virginia*; granting unto them divers lands, territories, and countries, in the said Letters-patents mentioned; with provision that they should distribute, convey, and assign under their common seale, such perticular portions of land to the Adventurers and Planters, as upon such a commission of survey to that purpose, should be named, appointed, and allowed.

And Wee did thereby alsoe graunte that there should be a Councell here resident, for the managing of the affaires of the said Colonie, with power to place and displace Officers, and make Laws and Ordinances for the government of the said Colonie and Plantation, and the affaires of the Companie; and afterwards, by our Letters-patents in the nyuth year of our raigne of *England*, Wee, for the considerations therein expresse, did further mention to give to the said *Treasurer and Companie*, and their Successors, divers other Islands within the Ocean Seas, within the limitts in the said Letters-patents expresse, with other powers and authorities, as by the the said Letters-patents may alsoe appeare. And whereas Wee, out of our zeal and affection to the furthering of the said Plantations, having still a watchfull and carefull eye to the same, and finding the courses taken for the settling thereof, had not taken the good effect which Wee intended and so much desired, did by our Commission lately graunted to certaine Persons of Qualitie and Trust, cause the state of the said country of *Virginia*, to be examined how it stood, as well in point of livelihood as government; and howe, and in what manner, the great som nes of Money collected and intended for the good thereof, had bin expended and disbursed, to the end, yf good cause were, Wee might by our royall hand, supply what should be defective. And whereas our Commissioners, after much care and paines expended in execution of our said Commissions, did certifie us, that our Subjects and People sent to inhabite there, and to plant themselves in that country, were most of them by God's visitations, sickness of bodie, famine, and by massacres of them by the native savages of the land, dead and deceased, and those that were living of them, lived in necessitie and want, and in danger by the Savages, but the Country, for any thing appeared to the said Commissioners to the contrary, they conceived to be fruitfull and healthfull after our People had bin some time there; and that if industry were used it would produce divers good and staple Commodities, though in the sixteene years government past, it had yealded fewe or none; and that this neglecte they conceived must fall on the governors and companie here, who had power to direct the plantations there, and that the said plantations were of great importance, and would, as they hoped, remayne a lasting monument of our most gracious and happie Government to all Posteritie, yf the same were profecuted to those ends for which they were first undertaken; and to that purpose that yf our first graunt herein mentioned, and our
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most prudent and princely instructions given in the beginning of the Plantation, for the direction of the affaires thereof by thirteene councellers in *Virginia*, and as manie here, all nominated by Us, had bin pursued, much better effect had bin produced then had bin by the alteration thereof, into soe popular a course, and amongst soe many hands as then it was, which caused much contention and confusion : Whereupon Wee entring into mature and deliberate consideration of the premisles, did, by the advise of the Lords of our Privie Counsell resolve, by altering the Charters of the said Company, as to the point of government wherein the same might be found defective, to settle such a course as might best secure the safetie of the People there, and cause the said Plantation to flourish, and yet with the preservation of the interest of every Planter or Adventurer, soe far forth as their present interests shall not prejudice the publike Plantations ; but because the said *Treasurer and Company* did not submit their Charters to be reformed, our proceedings therein, were stayed for a tyme, untill, uppon a *Quo Warranto* brought, and a legall and judicall proceeding therein by due course of Lawe, the said Charters were, and nowe are, and stand avoyded. And because Wee were and are still resolved to proceed unto the perfecting of that work which Wee have begune for the good of the said Plantation, by a newe Charter, to be made in such manner as shall be found most fitt and convenient ; yet for that the points and parts of the said Charter must be necessarily be manie and difficult, and will require much tyme and care, and advise, to weigh and consider the same before it be passed, and yet the least delay might prove dangerous to the said Colonies and Plantations, yf during the tyme of this deliberation they should want direction and government ; for the better progression therefore, to the effectinge of this our royall pleasure, Wee, by our Commission, under our great seale of *England*, bearing date the *fifteenth day of July*, in the year of our raigne of *England*, *France*, and *Ireland* the twoe and twentieth, and of *Scotland* the seven and fiftieth, did give power and authoritie unto our right trustie and right well beloved cosen and counsellor, *Henry Viscount Mandevill*, Lord President of our Counsell, and divers others of our Privie Counsell, and others, to treat, consult, and consider of all matters whatsoever concerning the said Colonie and Plantation, as well for the safetie of our people there, strength of the place, and government to be exercised there, as for managing the busines and affaires thereof, here in *England*, and to execute and perform divers other things conducing thereunto, in such sorte as by our said Commission may at lardge appeare. In the execution of which our said Commission, our said Commissioners have already made some good beginning, and have given Us this humble advise, that by a like commission from us, Wee would appoint and authorise such other discreet persons residing in the parts of *Virginia*, as Wee should think fitt to be our present Councell for the ordering, managing, and governing of the affairs of that Colonie and Plantation and of the Persons there already inhabiting, or which hereafter shall be, or inhabit there ; untill some other constant and settled course

courſe be reſolved upon and eſtabliſhed by us. Know yee, therefore, that Wee reſoſing aſſured truſt and confidence in the underſtanding, care, fidelitie, experience, and circumſpection of you the ſaid Sir Francis Wyatt, Francis Weſt, Sir George Yardeley, George Sandys, Roger Smith, Ralph Hamor, John Martin, John Harvy, Samuell Mathews, Abraham Perrey, Iſaacke Madifon, and William Clayborne, have nominated and aſſigned, and do hereby nomynate and aſſigne you the ſaid Sir Francis Wyatt, to bee the preſent Governor, and you the ſaid Francis Weſt, Sir George Yardeley, and the reſt before mentioned, to be our preſent Councell of and for the ſaid Colonye and Plantation in *Virginia*: Giving and granting unto you, and the greater number of you, by theiſ preſents reſpectively, full power and authoritie to performe and execute the places, powers, and authorities incident to a Governor and Councell in *Virginia*, reſpectively, and to direct and governe, correct and puniſh our Subjects nowe inhabiting or being, or which hereafter ſhall inhabite or be in *Virginia*, or in any the iſles, portes, havens, creakes, or territories thereof, either in tyme of peace or warre, and to order and direct the affaires, touching or concerning that Colonie or Plantation in thoſe forraigne partes onely; and doe, execute and performe all and every other matters and things concerning that Plantation, as fullye and amplye as any Governor and Councell reſident there, at any tyme within the ſpace of five yeares now laſt paſt, had or might performe or execute: Nevertheles, our will and pleaſure is, that yee proceed therein according to ſuch inſtructions as yee, or ſuch of you, as have bene heretofore of our Councell there, have received, or according to ſuch inſtructions as you ſhall hereafter receive from Us, or our Commiſſioners here to that purpoſe or intent. And our further pleaſure is, and Wee doe hereby give power and authority, and doe will and commaunde, that you the ſaid Sir Francis Wyatt, Francis Weſt, Sir George Yardeley, George Sandys, Roger Smyth, Raphe Hamor, or anie two of you, who have already beene of our Councell in thoſe partes for the Plantation there, ſhall miniſter unto the ſaid John Martin, John Harvey, Samuell Mathewes, Abraham Perrey, Iſaack Madifon, and William Clayborne, and everie of them, the like oath upon the Holy Evangelist as yee, or any of you, have already taken, as Councillor of and for the ſaid Colony or Plantation, willing and requiring you to bee dilligent and attendant in the execution of this our ſervice and commaundement; and alſoe willing and commaunding all other our loveing ſubjects to be directed and governed by you, or the greater number of you, in all things according to the intention and true meaning of theſe preſents. And laſtly, our will and pleaſure is, that this our Commiſſion ſhall continue in force untill ſuch tyme as Wee by ſome other writing under our Signett, privie Seale, or greate Seale, ſhall ſignify our pleaſure to the contrary. In Witneſſ whereof, &c.

Witnes our ſelf at *Weſtmiſter*, the ſix and twentieth day of Auguſt.

Per Breve de Privato Sigillo.

A PROCLAMATION *concerning* TOBACCO.

[Rymer, Vol. XVII. page 621. A. D. 1624.]

WHEREAS our Commons assembled in our last Sessions of Parliament became humble Petitioners unto us, that for many waighty Reasons much concerning the Welfare of our Kingdom, and the Trade thereof, we would by our Royal Power utterly prohibite the Use of all foreyne *Tobacco*, which is not of the Growth of our own Domynions: And whereas, Wee have upon all Occasions made known our Dislike Wee have ever had of the Use of *Tobacco* in generall, as tending to the Corruption both of the Health and Manners of our People, and to that Purpose have at severall Tymes heretofore prohibited the planting of *Tobacco*, both in England and Wales, as utterly unfyt in Respect of the Clymate to cherishe the same for any medicinall Use, which is the only Good to be approved in yt; and at other Tymes have also prohibited the disorderly trading for *Tobacco* into the Partes beyond the Seas; as by our severall Proclamations published to that Purpose yt may appeare: Nevertheles, because we have been earnestly and often ymportuned by many of our loving Subjects, Planters and Adventurers in *Virginia* and the *Sommer Isles*, and and lately our Commissioners for *Virginia*, that We would be pleased to take into our Royal Care, that Part of our Dominions by our Royal Authority, and by the Industrie of our loyal Subjects, added to the Rest of our Empyre, for the Propagation of Christian Religion, and the Ease and Benefyt of this populous Realme; and to consider that those Colonyes and Plantations are yet but in their Infancy, and cannot be brought to Maturity and Perfection, unless we will be pleased for a Tyme to tollerate unto them the planting and venting of the *Tobacco*, which is, and shall be of the Growth of those Colonies and Plantations; Wee, taking into our princely Consideration, these and many other ymportant Reasons of State, have been graciously pleased to condescend to the Desires and humble Petitions of our loving Subjects in this Behalfe. And therefore, We doe by theise Presents straightly charge and command, that no person whatsoever, of what Degree or Quality soever, doe at any Tyme hereafter ymporte, or cause to be ymported, from any Parte beyonde the Seas, or out of our Kingdome of Scotland, into this our Realme of England, or Dominion of Wales, or into our Realme of Ireland, any *Tobacco*, which is not of the proper Growth of the Plantation of *Virginia* and the *Sommer Isles*, or one of them, upon Payne of Forfeiture unto Us of all such *Tobacco* to be ymported, contrarie to the true Meaning of theise Presents, in whose Handes soever the same shall be found, and upon such further Pains and Penalties, as by the Lawes and Statutes of theise our Realmes, or by the Severitie or Censure of our Courte of Starchamber in either of those Kingdomes respectively, may be inflicted upon the Offendors for Contempte of this our royall Commaunde,

and to be reputed and taken as Enimyes to our Proceedings, and to those Plantations, which soe much concern our Honor, and the Honor and Profit of these our Kingdomes. And We further will and command, upon the Penalties aforesaid, that from henceforth no Person or Persons whatsoever, presume to sowe, sett, or plante, or cause, or permit, or suffer to be sowed, sett, or planted, in any of his or their Groundes, any *Tobacco* whatsoever, within theise our Realmes of England, or Ireland, or Domyinion of Wales, or any Isles or Places belonging thereto; or permit or suffer any ould Stock, Plant or Roote of *Tobacco*, formerly sett, sowed, or planted there, to contynue not plucked upp and utterly destroyed, contrary to the Tenor and true Meaning of a former Proclamation, made and published by us to that Purpose, bearing Date the *thirtieth day of December*, in the Seaventeenth Yearc of our Raigne of England. And We further straightly charge and command, upon the Daines and Penalties aforesaid, that no Person whatsoever presume to buy or sell any *Tobacco*, which from henceforth shall be ymported or brought from any the Parties beyonde the Seas, or from our Realme of Scotland, which is not or shall not be of the proper Growth of the Colonies aforesaid of *Virginia* and the *Sommer Isles*, or one of them. And because Wee understand that some, whoe intende their owne private, more then the publique Advantage, conceiving yt to be probable, that We would grant the Petition of our Commons in Parliamente to prevent the Effect thereof, have lately ymported secretly and by Stealth great Quantities of Forrayne *Tobacco*, for which they have payed noe Subsidye, or other Dutie unto Us; Wee further will and commande, under the Payns and Penalties aforesaid, that noe Person whatsoever, from and after the *Five and Twentieth Day of March* now nexte ensueing, presume to sell, or offer to put to Sale, within theise our Realmes or Domyinion, any *Tobacco*, which hath been formerly ymported into this Realme, which is not of the proper Growth of the Colonies or Plantations aforesaide, or one of them; nor that any Person whatsoever, willingly or knowingly take or use any *Tobacco* from and after the *First Day of May* now next ensueing, which is not, nor shall be of the proper Growth of the said Colonies or Plantations, or one of them; yet because the said Forreyne *Tobacco* may not lye on the Handes of the Owners thereof, Wee are graciously pleased, that at any Tyme within *Fourteen Days* after the said *Five and Twentieth Day of March*, such Forrayne *Tobacco* may be freely exported by any Person whatsoever, without paying any subsidye or other Dutie for the same.

And because noe Man shall pretend Ignorance, and thereby endeavour to excuse his Offence in any of the Premisses, Wee doe further chardge and commande, and doe hereby signify and declare our Will and Pleasure to be, that all and everie other Person and Persons, Merchaunte, or other, whoe useth to sell, or hath any Purpose to sell *Tobacco*, whoe have in his or theire Handes, Custody, or possession, or in the Handes, Custody or Possession of any other by their Delivery, or to their Use, any *Tobacco* heretofore ymported into this our Realme, or planted, sett, or sowed within this Realme;

shall

shall, before the *Twentieth Day of October* now next coming, bring the same into our Custome House within our City of London; yf such *Tobacco* be in any other City, Towne or Place within this our Realme of England, or Domyinion of Wales, or Realme of Ireland, shall bring the same to the Towne-House, or other fyt Place which shall be to that purpose appointed by Us, in that Citye or Corporate Town neereft to which the said *Tobacco* shal be; and shall before the *First Day of December* now next coming, there require and cause the same to be marked and sealed by such Person or Persons, and with such Seale and Marke as Wee shall thereunto assigne or appoynte for that Purpose, without giving any Fee or Allowance for the said Seal or Mark: And whatsoever *Tobacco* shall not be sealed or marked as aforesaid, within the severall Tymes aforesaid, shall be confiscated and forfeited unto Us for such their Default and Contempte. And for the avoyding of all Deceipt and Abuse in disguising of *Forrayne Tobacco*, or mingling the same with the *Tobacco of Virginia*, or the *Sommer Islands*, thereby to defraude the true Intente of these Presents; We further straightly commaunde under the Paynes and Penalties aforesaid, That noe person who ys or shall be a Seller of *Tobacco*, shall have or keepe ready cut above the quantity of one pound of *Tobacco* at once, nor shall myngle any foreyne *Tobacco* with any *Tobacco* of the Growth of the *Sommer Isles*, or *Virginia*. And Wee straightly charge and commaunde, that all the Planters of *Tobacco* in the Colonies aforesaid, or any Parte thereof, shall make the same good and merchantable, and shall not presume to send over into this Realme of England any *Tobacco* which shall not be good and merchantable, and well made up in Roll, without Stalkes, or other bad and corrupt Stuff, upon payne of Confiscation thereof, or so much thereof as, uppon due Tryall made, shall be found to be otherwise, to the Intent that such of our Subjects as shall desire to use the same, may not be abused or deceived therewith, to the ympaying of their Health: And to the Intente that the *Tobacco* of the Colonies and Plantations aforesaid, thus tollerated by Us, may be knowne and distinguished from such as shall be secretly and without Warrant brought in by Stealth, Wee doe likewise straightly charge and commaund, upon the Paynes and Penalties aforesaid, that all such *Tobacco* as shall be broughte from the Collonies aforesaid, shall be all brought and landed at the Key of our Custome-House in our City of London, and not elsewhere in any of our Realmes or Domyinions, and shall be there registred, and shall not be removed from our said Custome-House, untill yt shall be there first tryed, sealed, and marked by such Person or Persons, and with such Seal or Mark as we shall thereunto assign and appoint, such Seal or Mark to be sett thereto without Fee or other Reward whatsoever. And Wee do further straightly charge and command upon the Payns and Penalties aforesaid, that all Owners of Shippes be carefull to ymploye such Maisters in their Shippes, or or other Vessells from whome they will take good Caution not to offend in

the Ymportation of any *Tobacco*, contrarie to this our Royall Pleasure: And Wee do further signifye and declare by theise Presentes, that Wee will require an exacte Accompte of the Maister of every Shippe or other Vessell, that he shall make such diligent and carefull Search over the Marriners and Passengers in his Shippe or other Vessell, that none of them shall convey over into theise our Realmes of England, or Ireland, or Domyinion of Wales, or into any Porte, Haven, Creeke, or other Parts thereof, any *Tobacco* to be ymported contrarie to the true Intent and Meaning of theise Presentes: And that our Customers, or their Deputies in everie Port of theis our Realmes of Englande and Ireland, shall uppon Oath examine everie Master of a Ship or other Vessell, or other Officers and Marriners in the said Ship or Vessell, whether they have made Search in the Ship or Vessell for *Tobacco*? and whether any *Tobacco* be in the said Shippe or Vessell to their Knowledge? and whether any *Tobacco* were laden in the said Shippe or Vessell and be taken out thereof? and what is become of the same? and yf any Maister of a Shipp or other Vessell shall willfully or negligently permitt or suffer any *Tobacco* to be ymported, or shall otherwise offend contrarie to theise Presentes, everie such Maister, because it is in his Power to prevent the same, shall also be answerable to Us for his Contempte herein, and shall be subiect and lyable to all the Paynes and Penalties aforesaid, as well as yf he himself had actually and purposely committed the said Offence. And whereas, Wee are informed that some Traders in *Tobacco* do use to ymporte *Tobacco* in Forrayne Bottoms, Wee straightly chardge and command that noe Person whatsoever, either Stranger, Denizen, or naturall borne Subiecte, presume to ymport any *Tobacco* whatsoever in any Forraigne Bottom at any Time hereafter, upon Pain of Confiscation, not only of the said *Tobacco*, but also of the Ship or Vessell wherein the same is so ymported, and upon the other Paynes and Penalties aforesaid: And for the better Execution of our Pleasure herein, Wee doe hereby command all and singular Customers, Comptrollers, Searchers, Wayters, and other Officers, attending in all and everie the Portes, Creekes, or Places of lading and unlading, for the taking, collecting, or receiving of any of our Customs, Subsidies, or Duties, to take Notice of this our Pleasure: And Wee doe hereby comimand and give Power and Authoritie unto them, and everie of them, from Tyme to Tyme, as well to search any Shippe or other Vessell or Bottome, riding or lying within any Porte, Haven, or Creeke, within their severall Charge of Attendance, for all all *Tobacco* ymported contrary to the Intente of this our Royall Proclamation, and the same being founde to seize and take to our Use; and alsoe to take Notice of the Names, and apprehend the Bringers in, and Buyers of the same, to the End they may receive condign Punishment for their Offences, upon Payne that everie of the said Officers which shall be found negligent, remisse, or corrupt therein, shall lose his Place and Entertaynement,

tertainemente, and undergoe such Paynes and Penalties, as by our Laws, or by the Censure of our said Courte of Starchamber may be inflicted upon them for the same. And Wee do likewise will, ordeyne, and appoint, that yt shall and may be lawfull for such Person or Persons, as shall be thereunto authorized and appointed by Us, by him or themselves, or his or their Deputie or Deputies, with a lawfull Officer, to search any Ship or other Vessell, and to enter into any Shoppe, House, Sellar, Warehouse, or other suspected Places, at lawfull and convenient Tymes, and there to search, discover, and finde out any *Tobacco* imported, uttered, sould or vented, not marked or sealed as aforesaid, contrarie to the true Meaning hereof; and all such *Tobacco* so founde to seize, take away and dispose of, and the Owners thereof, or in whose Custody the same shall be found, to informe and complayne of, to the End they may receive Punishment according to our Pleasure before herein declared. And further, We do by theise Presentes, will and requyre, all and singuler Mayors, Sheriffs, Justices of Peace, Bailiffs, Constables, Headboroughes, Customers, Comp-trollers, Searchers, Wayters, and all other our Officers and Ministers whatsoever, that they, and every of them, in their severall Offices and Places, be diligent and attendant in the Execution of this our Proclamation, and also ayding and assisting unto such Person and Persons, and his and their Deputies and Assignes, as Wee shall see as aforesaid authorize and appointe, as well in any Search for Discoverie of any Acte or Actes to be performed contrarie to the Intent of theise Presentes, as otherwise in the doing or executing of any Matter or Thing for the Accomplishment of this our Royall Command. And further, our Will and Pleasure is, and Wee doe hereby charge and command our Attorney Generall for the Tyme being, to inform against such Persons in our Court of Starchamber, from Tyme to Tyme, whose Contempt and Disobedience against this our Royall Command shall merit the Censure of that Courte; and to prosecute everie such Information speedily and effectually until the same shall be brought to Sentence. And our Pleasure and Command ys, that all the *Tobacco* which, upon any Seizure shall become forfyted, shall brought to our Custom House next adjoyning to the Port or Place where the same shall be seized, where the Seizor thereof shall deliver the same to our Use, and the same shall be forthwith burnt, consumed, and destroyed, but the Offender before he be discharged, shall pay to the Party who seized the *Tobacco*, the one halfe of the true Value thereof; and that such Person or Persons whom Wee shall appointe specially by our Privy Seale, to take Care and Charge to the Execution of our Pleasure in the Premisses, shall have the one halfe of all the Fynes to be imposed upon everie Offendor against this our Proclamation, for their Encouragement to be diligent and faithfull in and aboute the Performance of that Service Wee shall so commit unto them.

Given

Given at our Honour of Hampton Court, the nynē and twentieth Day of September, in the two and twentieth Yere of our Raign of England, France, and Ireland, and of Scotland the eight and fiftith.

PER IPSUM REGEM.

De Concessione Demiff. Edwardo Dichfeild et aliis.

[Rymer Vol. XVII. Page 633, A. D. 1624.]

JAMES, by the Grace of God, &c. To all to whome, &c. Greeting. Whereas upon the humble Petition of our Commons assembled in our late Session of Parliament, touching the Prohibition of the Use of all Forrayne Tobacco; and upon the earnest and often Importunities of many of our loving Subjects, Planters and Adventurers in *Virginia* and the *Sommer Islandes*, and lastlye, upon the humble Devise of our Commissioners for *Virginia*, Wee were well pleased for many waightye and important Reasons of State, by our Royall Proclamation, bearing Date the *nynē and twentieth Day of September* nowe laste paste, to signify our Will and Pleasure to be; and thereby streightlye to chardge and commaund, that noe Person whatsoever, of what Degree or Quality soever, doe at any Tyme heereafter import or cause to be ymported, from any Parts beyond the Seas, or out of our Kingdome of Scotland, into this our Realme of England, or Domynion of Wales, or into our Realme of Ireland, any Tobacco which is not of the proper Growth of the Plantations of *Virginia* and the *Sommer Islands*, or one of them, upon Payne of Forfeytüre unto Us of all such Tobacco soe to be ymported, contrary to the true Meaning of our said Proclamation, in whose Handes soever the same should be found, and upon such further Paynes and Penalties as in the said Proclamation are expressed: And because noe Man shall pretend Ignorance, and thereby indeavour to excuse his Offence in any of the Premisses: Wee did further charge and commaunde by our said Proclamation, that all and every Person and Persons, Marchant or other whoe useth to sell, or hath any Purpose to sell any Tobacco, whoe have in his or their Hands, Custodye or Possession, or in the Hands, Custodye, or Possession of any other by their Delivery, or to their Use, any Tobacco heeretofore ymported into this Realme, or planted, sett, or sowne within this Realme, should, before the *twentieth Day of October* nowe nexte coming, bring the same unto our Custome House within our City of London, if any such Tobacco be within five Myles of our said Cittie; or if such Tobacco

Tobacco be in any other City, Towne, or Place within this our Realme of England, or Domynion of Wales, or Realme of Ireland, shall bring the same to the Towne-House or some other fit Place, which shall be to that Purpose appointed by Us in that City or Corporat Towne neereſt unto which the ſaid Tobacco ſhall bee: and ſhall before the *fiſt Day of December* nowe next coming, there require and cauſe the ſame to be marked and ſealed by ſuch Perſon and Perſons as Wee ſhall thereunto aſſign or appoint for that Purpose, without giving any Fee or Allowance for the ſaide Seale or Marke; and that whatſoever Tobacco ſhall not be ſealed or marked, as aforeſaid, ſhall be conſiſcate and forfeited unto Us for ſuch their Defaulte and Contempte, as by the ſaid Proclamation, amongſte other Things therein containd, may more at large appeare. Now Know Ye, that Wee, repoſeing Truſt and Confidence in the Fidelities and Circumſpections of our welbeloved Subjects *Edward Dichfeild*, of London, *Salter*, *Ruben Bourne*, *Richard Morer*, *George Bromley*, of London, Grocers, *William Perkyne*, of London, Marchant Taylor, and *Edward Bennet*, of London, Marchant; and upon the Recommendations of our ſaid Commiſſioners for *Virginia*, of our eſpecial Grace, certeyne Knowledge, and meere Motion, have nominated, aſſigned, conſtituted, ordayned, appointed and made, and by theſe Preſents, doe nominate, aſſigne, conſtitute, ordayne, appointe, and make the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *William Perkyne*, *George Bromley*, and *Edward Bennet*, our Officer and Officers for Us, and in our Behalte, by themſelves, or theire Deputyes, to be nomynated by them under theire Handes and Seales, or under the Handes and Seales of the greater number of them, to take Chardge and Care of the Execution of our royall Pleaſure, in our ſaid Proclamation expreſſed and declared within our ſaid City of London, and in all other Cityes, Townes, and places in this our Realme of England, and Domynion of Wales, and in our Realme of Ireland, according to the Purport and true Meaning of our ſaid Proclamation; and alſo to ſearche for and ſeale all ſuch Tobacco as ſhall be ymported, ſoulde, or uttered into any the places aforeſaide, contrary to our expreſſe Commaundement therein ſpecified and declared: And further to ſeale and marke all ſuch Tobacco as already is within our ſaid Kingdomes or Domynions, or heereafter ſhall be brought in by any Perſon or Perſons whatſoever, from the Colonies or Plantations of *Virginia* and the *Sommer Iſlands*, or either of them, with ſuch Seale or Seales, or Mark or Markes, as Wee ſhall thereunto appoynte, as in our ſaid Proclamation Wee have directed: To have, houlde, exerciſe, and enjoy the ſaid Office and Employment, for the Execution of our Will and Pleaſure of and in the Premiſſes, unto the ſaid *Edward Dichfeild*, *Ruben Bourne*, *Richard Morrer*, *George Bromley*, *William Perkyne*, and *Edward Bennett*, and every of them, by themſelves, and their ſufficient Deputy and Deputyes, for the Tearme of Seaven Yeares now next coming, and from thenceforth untill the Feaſte of the Annunciation of the

Virgyn Marye next ensuing, after the said Seaven Yeares expired. And for the more speedye and certain Execution of our Will and Pleasure aforesaide, Wee will and commaunde, and by theis Presents do give and graunte unto the said *Edward Dichfeild, Ruben Bourne, Richard Morrer, George Bromley, William Perkyns, and Edward Bennett*, and every of them, full Power and Authoritye, that they and every of them, by themselves, or their sufficient Deputye or Deputyes, to be by them, or the greater number of them, thereunto lawfullye deputed or authorised under their Handes and Seales as aforesaide, shall and may at all tymes, and from tyme to tyme, soe long as they shall contynue in this their Office and Employmente, be resident and have a place in our Custome-House of our City of London, and in all and every Cityes, Townes, and Places within theis our Realmes of England and Ireland, and Domynion of Wales, then and there to take Notice of, search for, and seize all and all Manner of Tobacco ymported, and to be ymported, sould, uttered, or used, contrary to our commaundement in our said Proclamation expressed; and to register, trye, seale, and marke all such Tobacco as shall be from tyme to tyme ymported into our said Port of London; and to doe all other Things and Matters whatsoever, that may tend to the Advancement of our Service herein, and the due Execution of our Will and pleasure aforesaid, according to the true purport and true Meaning of our said Proclamation in that Behalfe published. And for the better Incouragement of the said *Edward Dichfeild, Ruben Bourne, Richard Morrer, George Bromley, William Perkyns, and Edward Bennett*, to be dilligent and faithfull in and about the Performance of our said Service heereby committed unto them, Wee doe further, of our more especiall Grace, certayne Knowledge, and meere Motion, by theis Presents, give and graunte unto the said *Edward Dichfeild, Ruben Bourne, Richard Morrer, George Bromley, William Perkyns, and Edward Bennett*, for the executing and exercising of the Office and Ymployment aforesaid, the one halfe or Moiety of all such Fynes as shall be ymposed upon all and every Offendor and Offendors for and in Respecte of the ymporting, selling, venting or using of Tobacco, contrary to the true Tenor, and true Meaning of our Proclamation before recited, and which shall be imposed and assessed upon the said Offendors in such manner as Wee have therein directed. To have, houlde, receive, perceive, and enjoye the said one halfe, and Moiety of the Fynes aforesaide to the said *Edward Dichfeild, Ruben Bourne, Richard Morrer, George Bromley, William Perkyns, and Edward Bennett*, their Executors, Administrators and Assigns, as of our free Gifte, without any Accounte, Recompence, or Allowance to Us, our Heires and Successors, to be therefore rendered, paid, yielded, or done; to be had and paid by the Handes of such Receivor or Receivors, as shall be thereunto by Us authorised and appointed in that Behalfe; or out of the Receipte of our Exchequer, if the same or any part thereof, shall be paid into the Receipte of Us, our Heirs or Successors :

And

And for the present Wee doe hereby appointe and directe that every Roll of Tobacco shall be sealed with one Seale, engraven with the feuchion of our owne Armes of England, Scotland, and Ireland, at the one End of the Roll, and with another Seale engraven with a Lyon crowned on the other End of the Roll; and these Seales to be used untill Wee shall otherwise declare our Pleasure to the contrary. And our Will and Pleasure ys, and Wee doe hereby straightly charge and command our Lord Treasorer of England, Commissioners, Chauncellor, Undertreasurer, Chamberlayns, and Barons, of the Exchequer of Us, our Heires and Successors for the tyme being, that they, and every of them, in their severall Places, of their severall Authorities, doe from tyme to tyme give Allowance of all and every Somme and Sommes of Money soe to be paid unto the said *Edward Dichfield, Ruben Bourne, Richard Morer, George Bromley, William Perkyns, and Edward Bennett*, their Executors, Administrators, or Assignes, according to the Effecte and true Meaning of this Presents, and to doe all and every such other lawfull Acte and Acts whatsoever, as shall be requisite and necessary for the due Performance and Execution of our Pleasure herein: And this Presents, or the Inrollment thereof, shall be unto them, and every of them, a sufficient Warrant and Discharge in that Behalfe: And further, our Will and Pleasure ys, and Wee doe hereby straightly charge and command, all and singuler, Mayors, Sheriffs, Bayliffs, Constables, Headboroughes, Customers, Comptrollers, Waighters, and all other our Officers and Mynisters whatsoever whome yt may concerne, that they and every of them, in their severall Offices and Places be ayding and assisting to the said *Edward Dichfield, Ruben Bourne, Richard Morer, George Bromley, William Perkyns, and Edward Bennett*, their Deputyes and Substitutes, in the doing, executing and Accomplishment of this our Royal Commaund. And whereas, in and by our Proclamation before recited, Wee did give Commaundement, that all the Tobacco, which, uppon any Seizure should become forfeited, should be forthwith burnt, consumed and destroyed, and yet that the Offender should not be discharged untill hee shall have payde to the Party whose should soe seize the said Tobacco, the one Moyetye of the true Value thereof; forasmuch as in some Cases it may fall out, that Tobacco may be imported, uttered, and shoulde contrary to our saide Pleasure, and may likewise be seized to our Use, and the Offender not discovered; to the Ende, therefore, that due Encouragement may be given to seache and fynd out all such Abuses as shall be committed contrary to our Royall Pleasure in our said Proclamation expressed, our Will and Pleasure ys, and Wee doe hereby will and commaund, that in all and every such Case and Cases where the Offenders shall not be discovered, or shall be unable to pay or give a Recompence for Satisfaction of his Offence answerable to the Value of the one Moiey of the Tobacco so forfeited and seized as aforesaide, that then the Tobacco so forfeited and seized, shall not be burnt and consumed as aforesaide: But the one

Moiety thereof, which shall belonge of Righte to the Party soe feizing the same, shall be reteyned and enjoyed by him, thereof to make his iuste Benefitt in Manner following; that is to saye, that such as shall be Agents for Us for the Tobacco, shall shall either have the same of them, at and for such reasonable Price as they can agree uppon, or else that the Party feizing the same shall have free Libertye to export the same into any Parts beyond the Seas, uppon good Security given to our Agents, that the same Tobacco shall not be returned, or brought back into any of our owne Kyngdomes and Domynions.

In Witnes, &c.

Witness our self at *Westminster*, the nyynth day of November.

Per Breve de Privato Sigillo.

PROCLAMATIO de Herba NICOTIANA.

[Rymer Vol. XVIII. P. 19. A. D. 1625.]

WHEREAS our most deare Father, of blessed Memorie, deceased, for manie weighty and important Reasons of State, and at the humble Suite of his Commons in Parliament, did lately publish two severall Proclamations, the one, dated the *nyne and twentieth Day of September* nowe last past, and the other the *second of Marche* followinge, for the utter prohibitinge the Ymportation and Use of all Tobacco which is not of the proper growth of the Colonyes of *Virginia* and the *Sommer Islands*, or one of them, with such Cautions, and under such Paynes and Penalties, as are in those Proclamations at large expresse; Wee tendringe the Prosperitie of those Colonyes and Plantations, and houlding it to be a Matter of greate consequence unto Us and to the Honour of our Crowne, not to desert or neglect those Collonyes, whereof the Foundations with hopefull Successe have beene so happily layde by our Father, being given to understand that divers Persons, intending onely their private Gayne, and neglecting all Considerations of the Publique, in this short Tyme, whilst Wee have been necessarily taken up in orderinge of the greate Affaires of our Kingdomes and State, have taken the Bouldnesse, secretlye and by stealth, to ymporte and utter great Quantities of Tobacco, which is not of the growth of the Plantations aforesaid, to the utter Destruction of those Plantations as much as in them lyeth; Wee have thought fit for the preventing of those Inconveniencies which may otherwise ensue, to the irrecoverable Damage of those Plantations and of our Service, to publish and declare our Royall Pleasure for the present, touching the Premisses, untill upon more mature Deliberation Wee shall see Cause to alter or add unto the same in any Parte: And Wee doe therefore straightly charge and commaund that noe Person whatsoever, of what Degree or Quality soever, doe at any tyme hereafter, either directly or indirectly ymport, buy, sell, or utter, plant, cherish

cherish, or use, or cause to be ymported, sould, or uttered, cherished, planted, or used in our Realmes of *England*, or *Ireland*, or Domynion of *Wales*, or in any Isles or Places thereunto belonging, anie Tobacco of anie Sort whatsoever, which is not of the proper growth of the saide Collonies or one of them; and that no Person whatsoever, by any Shifte or Devise whatsoever, doe receive or conceale, or cullor the Tobacco of anie other foe imported, planted, bought, sold, uttered, or used, within our saide Realmes or Domynions, or the Isles or Places aforesaid, or anie Part thereof, uppon Payne of Forfeiture unto Us of all such Tobacco, so to be ymported, bought, sould, planted, uttered, or used, contrarie to the true Meaning of these Prefents, in whose Handes fœver the same shall be founde, and uppon such further Paynes and Penalties, as by the Lawes and Statutes of these our Realmes, or by the Censure of our Courtes of Starrechamber in either of our said Kingdomes respectively, cann or may be inflicted uppon the Offenders for Contempt of this Our Royall Commaundement, and to be reputed and taken to be Enemies to our Proceedings, and to those Plantations which foe much concerne our Honor, and the Honor and Profit of our State. And our further Will and Command is, That all Forrayne Tobacco of what Sortes soever, which is not of the proper growth of those Plantations or one of them, shall before the *fourth Daye of May* nowe next ensuing, be transported out of our Realmes and Domynions, as by the said former Proclamations it was directed and commaunded, uppon Payne of Forfeiture thereof, and uppon the other Paynes and Penalties aforesaid, to be inflicted uppon the Offenders: And our Pleasure is, that all such Foreigne Tobacco may be freely exported by any Person whatsoever, without payinge to Us, or to our Use, anie Subsidie or other Dutie for the same.

Given at our Court at *Whitehall*, this *nynth Day of Aprill*.

PER IPSUM REGEM.

A PROCLAMATION for *Settlinge the Plantation of Virginia*.

[Rymer Vol. XVIII. P. 72. A. D. 1625]

WHEREAS the Collonie of *Virginia*, planted by the Hands of Our most deere Father, of blessed Memorie, for the Propagation of Christian Religion, the Increase of Trade, and the Inlarging of his Royall Empire, hath not hetherto prospered foe happily as was hoped and desired, a greate Occasion whereof his late Majestie conceived to bee, for that the Governement of that Collonie was comytted to the Companie of *Virginia*, incorporated of a Multitude of Persons of severall Dispositions, amongst whome the Affaires of greatest Moment were and must be ruled by the greater Number of Votes and Voyces; and therefore his

late Majestie, out of his great Wisdom and depth of Judgment, did desire to resume that Popular Government, and accordingly the Letters-patentes of that Incorporation were, by his Highnes' Direction, in a legal Courfe questioned, and thereupon judicially repealed and judged to be voyd, wherein his Majestyes ayme was onlie to reduce that Government into such a right Courfe, as might best agree with that Forme which was held in the rest of his Royall Monarchie, and was not intended by him to take awaie or ympeach the particuler Interest of anie private Planter or Adventurer, nor to alter the same otherwise than should be of Necessity for the Good of the Publique : And whereas Wee continue the like Care of those Colonies and Plantations as our late deere Father did, and upon deliberate Advise and Consideration, are of the same Judgment that our said Father was of, for the Government of that Collonie of *Virginia* ; Nowe, least the Apprehension of former personal Differences which have heretofore happened (the receivinge and continuing whereof Wee utterly disallowe and strictly forbid), might distracte the Myndes of the Planters and Adventurers, or the Opyinion that Wee would neglect those Plantations, might discourage Men to goe or send thether, and soe hinder the perfectinge of that Worke, wherein Wee hould the Honor of our deere Father deceased, and our own Honor to be deeply engaged ; Wee have thought fitt to declare, and by our Royall Proclamation to publish our owne Judgment and Resolution in these Things, which by Godes Assistance, Wee purpose constantly to pursue, and therefore Wee doe by these Presents publish and declare to all our lovinge Subjectes, and to the whole World, that Wee hould those Territories of *Virginia* and the *Summer Isles*, as also thae of *New-England*, where our Colonies are alreadye planted, and within the Lymittes and Boundes whereof our late deare Father, by his Letters-patents, under his Great Seale of *England* remayninge of Record, hath given Leave and Libertie to his Subjects, to plant and inhabite, to be a Parte of our Royall Empire descended uppon Us, and undoubtedlie belonging and apperteyninge unto Us, and that Wee hould Our Selfe as well bound by our Royall Office to protecte, maynteyne, and support the same, and are soe resolved to doe, as anie other Part of our Domyinions : And that our full Resolution is, that there maie be one uniforme Courfe of Government in and through all our whole Monarchie ; That the Government of the Collonie of *Virginia* shall ymmediately depend uppon Our Selfe, and not be commytted to anie Company, or Corporation, to whome it maie be proper to trust Matters of Trade and Commerce, but cannot be fitt or safe to communicate the ordering of State Affaires be they of never soe meane Consequence ; and that therefore, We have determynd that our Commissioners for those Affaires shall proceede according to the Tenor of Our Commission directed unto them, untill Wee shall declare Our further Pleasure therein : Nevertheles, We doe hereby declare, that We are resolved, with as much convenient expedition as our Affaires of greater Importance will give leave, to establish a

Councell,

Councell, consistinge of a fewe Persons of Understandinge and Quallitie, to whome Wee will Trust for the ymmediate Care of the Affaires of that Collonie, and whoe shall be answerable to Us for their Proceedings, and in Matters of greater Moment shall be subordinate and attendant unto our Privie Counsell heere; and that We will alsoe establish an other Counsell to be resident in *Virginia*, whoe shall be subordinate to our Counsell here for that Collonie; and that att our own Charge, Wee will maynteyne those public Officers and Mynisters, and that Strength of Men, Munition, and Fortification, as shal be fitt and necessarie for the Defence of that Plantation, and will, by anie Course that shalbe desired of Us, settle and assure the perticuler Rights and Interests of every Planter and Adventurer in anie of those Territories which shall desire the same, to give them full Satisfaction for their quiet and assured enjoying thereof. And lastly, whereas it is agreed on all Sides, that the *Tobacco* of those Plantations of *Virginia* and the *Sommer Ilandes*, (which is the only present Meanes of their subsistinge,) cannot be mannaged for the good of the Plantations unless itt be brought into one Hand, whereby the Forraigne Tobacco may be carefullie kept out, and the Tobacco of those Plantations may yealde a certayne and ready Price to the Owners thereof, Wee doe hereby declare, That to avoyde all Differencies and contrarietie of Opynions, which will hardly be reconciled betweene the Planters and Adventurers themselves, Wee are resolved to take the same into our own Hands, and by our Servants or Agents for Us, to give such Prices to the Planters and Adventurers for the the same as may give them reasonable Satisfaction and Incouragement, but of the Manner thereof We will determine hereafter at better Leisure; and when Wee shall have concluded the same, Wee shall expecte that all our loving Subjects will readily conforme themselves thereunto; and in the meane tyme, because the Importation and Use of Forraigne Tobacco, which is not of the Growth of those Plantations, or one of them, will visably and assuredly undermyne and destroy those Plantations, by takinge away the Meanes of their Subsistencie; Wee doe hereby strictly charge and commaunde, that our late Proclamation, bearinge Date the *Nynth Day of April* last, intytled, *A Proclamation touching Tobacco*, shall in all Poynts and Parts thereof be duely and strictly observed, upon Payne of our high Displeasure, and such further Penalties and Punishments as by the saide Proclamation are to be inflicted uppon the Offenders; and Wee doe hereby advise all our lovinge Subjects, and all others whome itt may concerne, not to adventure the Breach of our Royall Commaundment in any of the Premisses, We being fully resolved uppon no Importunitie or Intermiission whatsoever to release or remitt the deserved Punishment of such as shall dare to offende against the same, seinge We hould not Our Selfe only, but our People interestted therein.

Given att our Court att *Whitehall*, the *Thirteenth Day of May*.

PER IPSUM REGEM.

GRANT

GRANT of NOVA SCOTIA to Sir WILLIAM ALEXANDER.

[Memoires de L'Amerique, Tom. II. Page 226.]

CAROLUS, Dei Gratiâ, Magnæ Britanniae, Franciae et Hiberniae Rex, Fideique Defensor: Omnibus probis hominibus totius terræ suæ, clericis et laicis, SALUTEM. Sciatis nos semper ad quamlibet, quæ ad decus et emolumentum regni nostri Scotiæ spectaret, occasionem amplectendam fuisse intentos, nullamque aut faciliorem, aut magis innoxiam acquisitionem censere, quam quæ in exteris et incultis regnis ubi vitæ et victui suppetunt commoda, novis deducendis coloniis facta sit; præsertim, si vel ipsa REGNA CULTORIBUS PRIUS VACUA, VEL AB INFIDELIBUS quos ad christianam converti fidem ad Dei gloriam interest plurimum, INSESSA FUERINT; sed cum et aliâ nonnulla regna, et hæc non ita pridem nostra Anglia, laudabiliter sua nomina novis terris acquisitis et à se subactis indiderint, quàm numerosa et frequens divino beneficio hæc gens hâc tempestate sit nobiscum reputantes, quàmque honesto aliquo et utili cultu eam studiose exerceri, ne in deteriora ex ignaviâ et otio prolabatur, expediat, plerisque in novam deducendos regionem, quàm coloniis compleant, operæ pretium duximus, qui et animi promptitudine et alacritate corporumque robore et viribus, quibuscunque difficultatibus, si qui alii mortalium uspiam, se audeant opponere; hunc conatum huic regno maximè idoneum indè arbitramur, quòd virorum tantummodò et mulierum, jumentorum et frumenti, non etiam pecuniæ transvectionem postulat; neque incommodum, quòd ex ipsius regni mercibus retributionem hoc tempore, cùm negotiatio adeo imminuta sit, possit reponere. Hisce de causis, sicuti et propter bonum fidele et gratum dilecti nostri consilarii domini Willielmi Alexandri Equitis, servitium nobis præstitum et præstandum, qui propriis impensis ex nostratibus primus externam hanc coloniam ducendam conatus sit, diversasque terras infra designatis limitibus circumscriptas incolendas expetiverit, Nos igitur, ex regali nostrâ ad christianam religionem propagandam, et ad opulentiam, prosperitatem pacemque naturalium nostrorum subditorum dicti regni nostri Scotiæ acquirendam curâ sicuti alii Principes extranei in talibus casibus hætenus fecerunt, cùm avasamento et consensu prædilecti nostri consanguinei et consilarii Joannis Comitæ de Mar domini Erskine et Eareoch, summi nostri Thesaurarii computorum, Rotulatoris Collectoris ac Thesaurarii novarum nostrarum augmentationum hujus regni nostri Scotiæ, ac reliquorum dominorum nostrorum Commissariorum ejusdem regni nostri dedimus, concessimus et disposuimus, tenoreque præsentis chartæ nostræ damus, concedimus, et disponimus, præfato domino Willielmo Alexandro hæreditibus suis vel assignatis quibuscunque hæreditariè omnes et singulas terras continen-

tes et insulas, situatas et jacentes in Americâ, juxta caput seu promontorium communiter *Cap de Sable* appellatum, jacens propè latitudinem quadraginta trium graduum, aut eò circa ab equinoctiali lineâ versùs septentrionem, à quo promontorio versùs littus maris tendens ad occidentem ad stationem navium Sanctæ Mariæ, vulgò *Saint Mary's Bay*, et deinceps versùs septentrionem per directam lineam introitum, sive ostium magnæ illius stationis navium trajicientem, quæ excurrit in terræ orientalem plagam inter regiones Suriquorum et Etcheminorum vulgò *Souriquois* et *Etchemins*, ad fluvium vulgò Sanctæ Crucis appellatum, et ad scaturiginem remotissimam sive fontem ex occidentali parte ejusdem, qui se primum prædicto fluvio immiscet; unde per imaginariam directam lineam quæ pergere per terram seu currere versùs septentrionem concipietur ad proximam navium stationem, in fluvium vel scaturiginem in magno fluvio de *Canada* sese exonerantem, et ab eo pergendo versùs orientem per maris oras littorales ejusdem fluvii de *Canada*, ad fluvium stationem navium portum aut littus communiter de *Gachepe* vel *Gaspé* notum et appellatum; et deinceps versùs Euronotum ad insulas *Baccalaos* vel *Cap-Breton* vocatas, relinquendo easdem insulas à dextra, et voraginem dicti fluvii de *Canada*, sive magnæ stationis navium, et terras de Newfoundland cum insulis ad easdem terras pertinentibus à sinistrâ, et deinceps ad Caput sive Promontorium de *Cap-Breton* prædictum, jacens propè latitudinem quadraginta quinque graduum aut eò circa; et à dicto promontorio de *Cap-Breton* versùs meridiem et occidentem ad prædictum *Cap de Sable* ubi incipit perambulatio includens et comprehendens intrâ prædictas maris oras littorales ac earum circumferentias à mari ad mare, omnes terras continentes cum fluminibus, torrentibus, sinubus, littoribus, insulis, aut maribus jacentibus propè aut infrâ, sex leucas ad aliquam earundem partem, ex occidentali, boreali vel orientali partibus orarum littoralium et præcinctuum earundem, et ab Euronoto ubi jacet *Cap-Breton*, ex australi parte ejusdem (ubi est *Cap de Sable*) omnia maria et insulas versùs meridiem intra quadraginta leucas dictarum orarum littoralium earundem magnam insulam vulgariter appellatam *Ile de Sable* vel *Sablon* includendo, jacentem versùs Carban, vulgo south south east, circa triginta leucas à dicto *Cap-Breton* in mari, et existentem in latitudine quadraginta quatuor graduum aut eò circa. Quæ quidem terræ prædictæ omni tempore astituro, nomine Novæ Scotiæ in America gaudebunt, quas etiam præfatus dominus Willielmus in partes et portiones sicut ei visum fuerit dividet, iisdemque nomina pro beneplacito imponet, unà cum omnibus fodinis tam regalibus auri et argenti, quàm aliis fodinis ferri, plumbi, cupri, stanni, æris, ac aliis mineralibus quibuscunque, cum potestate effodiendi et de terra effodere causandi, purificandi, et repurgandi easdem, ac convertendi ac utendi suo proprio usui aut aliis usibus quibuscunque, sicuti dicto domino Willielmino Alexandro hæredibus suis, et assignatis, aut iis quos suo loco in dictis terris stabilire ipsum contigerit, visum fuerit, reservando solummodò nobis et successoribus nostris decimam par-

tem metalli vulgò *Oare*, auri et argenti quodd ex terrâ in posterum effodiatur aut lucrabitur, relinquendo dicto domino Willielmo suisque prædictis, quocumque ex aliis metallis cupri, chalybis, ferri, stanni, plumbi, aut aliorum mineralium nos vel successores nostri quovis modo exigere possumus, ut eo facilius magnos sumptus in extrahendis præfatis metallis tolerare possint, unâ cum margaritis vulgò *pearle*, et lapidibus pretiosis, quibuscumque aliis lapidicinis, sylvis, virgultis, boscis, marcescis, lacubus, aquis, piscationibus, tam in aquâ salâ quàm recenti, tam regalium piscium quam aliorum venatione, aucupatione, commoditatibus et hæreditamentis quibuscumque, unâ cum plenariâ potestate privilegio et jurisdictione liberæ regalitatis, Capellæ et Cancellariæ, in perpetuum; cumque donatione et jure Patronatûs Ecclesiarum Capellaniarum, et Beneficiorum, cum tenentibus, tenandriis et liberè tenentium servitiis earundem, unâ cum officiis Justiciarîæ et admiralitatis respectivè infrâ omnes bondas respectivè supramentionatas; unâ etiam cum potestate civitates, liberos burgos, liberos portus, villas et burgos Baronîæ, erigendi, ac fora et nundinas infrâ bondas dictarum terrarum constituendi, curias justiciarîæ et admiralitatis infrâ limites dictarum terrarum, fluviorum, portuum et marium tenendi, unâ etiam cum potestate imponendi, levandi et recipiendi omnia telonia, custumas, anchoragia, aliaque dictorum burgorum fororum, nundinarum et liberorum portuum devorias, et easdem possidendi et gaudendi adeò liberè in omnibus respectibus, sicuti quivis Baro major aut minor in hoc regno nostro Scotiæ gavissus est aut gaudere poterit quovis tempore præterito vel futuro, cum omnibus aliis prærogativis, privilegiis, immunitatibus, dignitatibus, casualitatibus, proficuis et devoriis ad dictas terras, maria et bondas earundem pertinentibus et spectantibus, et quæ nos ipsi dare et concedere possumus adeò liberâ et amplâ formâ, sicuti nos, aut aliquis nostrorum nobilium Progenitorum, aliquas chartas, patentes literas, insecramenta, donationes aut diplomata concesserunt cuivis nostro subdito, cujuscumque gradus aut qualitatis, cuivis societati aut communitati tales colonias in quacumque partes extraneas deducendi, aut terras extraneas investigandi, in adeò liberâ et amplâ formâ, sicuti eadem in hac præfenti charta nostra infereretur. Facimus etiam, constituimus et ordinamus dictum dominum Willielmum Alexandrum, hæredes suos, et assignatos, vel eorum deputatos, nostros hæreditarios Locum-tenentes generales, ad representandum nostram personam Regalem, tam per mare quam per terram, in regionibus, maris oris et sinibus prædictis, in petendo dictas terras, quamdiu illic manserit, ac redeundo ab eisdem, ad gubernandum regendum puniendum et remittendum omnes nostros subditos, quos ad dictas terras ire aut easdem inhabitare contigerit, aut qui negotiationem cum eisdem suscipient, vel iisdem locis remanebunt, ac eisdem ignoscendum; et ad stabiliendum tales leges, statuta, constitutiones, directiones, instructiones, formas gubernandi, et Magistratuum ceremonias infrâ dictas bondas, sicuti ipsi domino Willielmo Alexandro, aut ejus prædictis ad gubernationem dictæ regionis aut ejusdem incolarum, in omnibus causis tam

criminalibus

criminalibus quam civilibus visum fuerit; et easdem leges, regimina, formas et ceremonias alterandum et mutandum, quoties sibi vel suis prædictis pro bono et commodo dictæ regionis placuerit, ita ut dictæ leges tam legibus dicti regni nostri Scotiæ, quam fieri possunt, sint concordēs. Volumus etiam ut in casu rebellionis aut seditionis, legibus utatur militaribus adversus delinquentes, vel imperio ipsius sese subtrahentes, adeo liberè, sicuti aliquis Locum-tenens cujusvis regni nostri vel domini, virtute officii Locum-tenentis habent vel habere possunt, excludendo omnes alios Officiarios hujus regni nostri Scotiæ, terrestres vel maritimos qui in posterum aliquid juris *Clame*, commoditatis, autoritatis, aut interesse in et ad dictas terras aut provinciam prædictam vel aliquam inibi jurisdictionem, virtute alicujus præcedentis dispositionis aut diplomatis pretendere possint; et ut viris honesto loco natis ad expeditionem istam subeundam, et ad coloniæ plantationem in dictis terris, addaturanimus, Nos pro nobis nostrisque hæredibus et successoribus, cum avisamento et consensu prædictis, virtute presentis chartæ nostræ damus et concedimus liberam et plenariam potestatem præfato domino Willielmo Alexandro suisque prædictis, conferendi favores, privilegia, munera, et honores in demerentes, cum plenariâ potestate eisdem aut eorum alicui quos cum ipso domino Willielmo, suisque prædictis, pactiones vel contractus facere pro eisdem terris contigarit sub subscriptione suâ vel suorum prædictorum, et sigillo infra mentionato, aliquam portionem seu portiones dictarum terrarum, portuum, navium, stationum fluviorum, aut præmissorum alicujus partis, disponendi, et extradonandi, erigendi etiam omnium generum machinas, artes vel scientias, aut easdem coerendi in toto vel in parte, sicuti ei pro bono ipsorum visum fuerit, dandi etiam concedendi et attribuendi talia officia, titulos, jura, et potestates, constituendi et designandi tales Capitaneos, Officiarios, Balivos, Gubernatores, omnesque alios regalitatis, baroniæ et burgi Officiarios, Clericos, aliosque Ministros pro administratione justitiæ infra bondas dictarum terrarum, aut in viâ dum terras istas petunt per mare et ab eisdem redeunt, sicuti ei necessarium videbitur secundum qualitates, conditiones, et personarum merita, quas in aliquâ coloniarum dictæ provinciæ, aut aliquâ ejusdem parte habitare contigerit, aut quæ ipsorum bona et fortunas pro commodo et incremento ejusdem periculo committent, et eosdem ab officio removendi, alterandi et mutandi, prout ei suisque præscriptis videbitur expediens, et cum hujusmodi conatus non sine magno labore et sumptibus fiant, magnamque pecuniæ largitionem requirant, aded ut privati cujusvis fortunas excedant et multorum suppetiis indigeant, ob quam causam dictus dominus Willielmus Alexander, suisque præscripti, cum diversis nostris subditis aliisque pro particularibus periculationibus, et susceptionibus ibidem, qui fortè cum eo suisque hæredibus assignatis vel deputatis pro terris, piscationibus, mercimoniis aut populi transportatione, cum ipsorum pecoribus, rebus et bonis versus dictam Novam Scotiam contractus inibunt, Volumus ut quicunque tales contractus cum dicto Willielmo, suisque prædictis, sub ipsorum subscriptioni-

bus et sigillis expedient, limitando, assignando et assignando diem et locum pro personarum, bonorum rerumque deliberatione in navium imponendorum, sub forisfacturâ cujusdam monetæ summæ et eisdem contractus non perficient, sed ipsum frustra bunt, et in itinere designato ei nocebunt, quod non solum dicto domino Willielmo, suisque prædictis, poterit esse præjudicio et nocumento, verum etiam nostræ tam laudabili intentioni obstabit et detrimentum inferet, tunc licitum erit dicto domino Willielmo, suisque prædictis, vel eorum deputatis et conservatoribus infra mentionatis, in eo casu, sibi suisve prædictis, quos ad hunc effectum substituet, omnes tales summas monetæ, bona et res forisfactas per talium contractuum violationem, assumere; quod ut facilius fiat et legum prolixitas evitetur, dedimus et concessimus, tenoreque præsentium damus et concedimus, plenariam potestatem nostri Consilii dominis, ut eos in ordinem redigant et talium contractuum vel fœderum violatores pro transportatione populorum puniant; et licet omnes tales contractus inter dictum dominum Willielmum, suosque prædictos, et prædictos periclitatores per periclitationem et transportationem populorum, cum ipsorum bonis et rebus ad statutum diem perficerentur, et ipsi cum suis omnibus pecoribus et bonis ad litus illius provinciæ animo coloniam ducendi et remanendi appellent, et nihilominus postea vel omnino provinciam Novæ Scotiæ et ejusdem confinia sine licentiâ dicti domini Willielmi, suorumque prædictorum vel eorum deputatorum aut societatem et coloniam prædictam ubi primum combinati et conjuncti fuerunt derelinquent, et ad agrestes Indigenas in locis remotis et desertis habitandum sese conferent, quod tunc amittent et forisfaciant omnes terras prius iis concessas, omnia etiam bona infra omnes prædictas bondas, licitumque erit prædicto domino Willielmo, suisque prædictis, eadem fisco applicare, et easdem terras recognoscere, eademque omnia ad ipsos vel eorum aliquem quovis modo spectantia possidere, et suo peculiari usui suorumque prædictorum applicare et convertere; et ut omnes dilecti nostri subditi, tam regnorum nostrorum et dominiorum, quàm alii extranei, quos ad dictas terras aut aliquam earundem partem ad mercimoniam contrahenda navigare contigerit, melius sciant, et obedientes sint potestati et authoritati per nos in prædictum fidelem nostrum Consiliarium dominum Willielmum Alexandrum suosque prædictos collatis in omnibus commissionibus warrantiis, contractibus, quos quovis tempore futuro faciet, concedet et constituet pro decentiori et validiori constitutione officiariorum, pro gubernatione dictæ coloniæ, concessione terrarum et executione justitiæ dictos inhabitantes, periclitantes, deputatos, factores vel assignatos tangente, in aliquâ dictarum terrarum parte, vel in navigatione ad easdem terras, Nos cum assensu et consensu prædicto, ordinamus quod dictus dominus Willielmus Alexander, sui que prædicti unum commune sigillum habebunt, ad officium Locum-tenentis justiciariæ et admiralitatis spectans, quod per dictum dominum Willielmum Alexandrum suosque prædictos, vel per suos deputatos omni tempore futuro custodietur, in cujus uno latere nostra insignia insculpentur, cum his ver-

bis in ejusdem circulo & margine: *Sigillum Regis Scotiae, Angliae, Franciae et Hiberniae*, et in altero latere, imago nostra nostrorumque successorum cum his verbis (*p: o Nova Scotiae Locum-tenente*) cujus justum exemplar in manibus ac custodiâ Conservatoris privilegiorum Novæ Scotiae remanebit quo, ut occasio requirer, in officio suo utatur et cum maximè necessarium sit ut omnes dilecti nostri subditi, quotquot dictam provinciam Novæ Scotiae vel ejus confinia incolent, in timore omnipotentis Dei, et vero ejus cultu simul vivant, omni conamine intendentes christianam ibi religionem stabilire, pacem etiam et quietem cum nativis incolis et agrestibus Aboriginibus earum terrarum colere, undè ipsi et eorum quilibet mercimonia ibi exercentes tutè cum oblectamento, ea quæ magno cum labore et periculo acquisiverunt possidere possint, Nos pro nobis nostrisque successoribus volumus, nobisque visum est per præsentis chartæ nostræ tenorem dare et concedere dicto domino Willielmo, Alexandro, suisque prædictis et eorum deputatis vel aliquibus aliis nostris Gubernatoribus, Officiariis et Ministris, quos ipsi constituent, liberam et absolutam potestatem tractandi pacem, affinitatem, amicitiam, mutua colloquia, operam, et commutationem cum agrestibus illis Aboriginibus, et eorum principibus et quibuscunque aliis regimen et potestatem in ipsos habentibus contrahendi, observandi et alendi tales affinitates et colloquia, quæ ipsi vel sui prædicti cum iis contrahent, modo fœdera illa ex adversâ parte per ipsos Sylvestres fideliter observentur; quod nisi fiat, arma contra ipsos sumendi quibus redigi possint in ordinem, sicuti dicto Willielmo suisque prædictis et deputatis suis pro honore, obedientiâ et Dei servitio, ac stabilimento, defensione et conservatione auctoritatis nostræ inter ipsos expediens videbitur, cum potestate etiam prædicto domino Willielmo Alexandro, suisque præscriptis, per ipsos vel eorum deputatos, substitutos vel assignatos, pro eorum defensione, tutelâ, omni tempore et omnibus justis occasionibus in posterum aggrediendi ex inopinato, invadendi, expellendi et armis repellendi, tam per mare quàm per terram, omnibus modis, omnes et singulos, qui sine speciali licentiâ dicti domini Willielmi suorumque prædictorum terras eas inhabitare aut mercaturam exercere in dictâ provinciâ Novæ Scotiae aut quâvis ejusdem parte conabuntur, et similiter omnes alios quoscunque qui aliquid damni, detrimenti, destructionis, læsionis vel invasionis contra provinciam illam aut ejusdem incolas inferre præsumunt. Quod ut facilius fiat, licitum erit dicto domino Willielmo suisque prædictis eorum deputatis, factoribus et assignatis, contributiones à periclitantibus et incolis ejusdem levare, in unum cogere, per proclamationes vel quovis alio ordine talibus temporibus, sicuti dicto Willielmo suisque prædictis expediens videbitur, omnes nostros subditos infrâ dictos limites dictæ provincie Novæ Scotiae inhabitantes, et mercimonia ibidem exercentes convocare pro meliore exercitio, necessariorum supplemento, et populi plantationis dictarum terrarum augmentatione et incremento, cum plenariâ potestate, privilegio et libertate dicto domino Willielmo Alexandro suisque prædictis, per ipsos vel eorum deputatos, per quævis maria sub nostris insignibus et vexillis

vexillis navigandi, cum tot navibus, tanti oneris, et tam benè munitione viris et victualibus instructis, sicuti poterunt parare quovis tempore et quoties eis videbitur, expediens; ac omnes cujuscunque qualitatis et gradus personas, subditos nostros existentes aut qui imperio nostro sese subdere ad iter illud suscipiendum voluerint, cum ipsorum jumentis, equis, bobus, ovibus, bonis et rebus omnibus, munitionibus, machinis, majoribus armis et instrumentis militaribus quotquot voluerint, aliisque commoditatibus et rebus necessariis pro usu ejusdem coloniae, mutuo commercio cum nativis inhabitantibus earum provinciarum, aut aliis qui cum ipsis plantationibus mercimonia contrahant, transportandi, et omnes commoditates et mercimonia, quae iis videbuntur necessaria, in regnum nostrum Scotiae, sine alicujus taxationis, customae, et impositionis pro eisdem solutione nobis vel nostris censualiis aut eorum deputatis inde portandi, eosdem ab eorum officiis in hac parte pro spatio septem annorum dicem datae praesentis chartae nostrae immediatè sequentium inhibendo. Quam quidem solam commoditatem per spatium tredecim annorum in posterum liberè concessimus, tenoreque praesentis chartae nostrae concedimus et disponimus dicto domino Willielmo, suisque praedictis, secundum proportionem postea mentionatam; et post tredecim illos annos finitos licitum erit nobis nostrisque successoribus, ex omnibus bonis et mercimoniis quae ex hoc regno nostro Scotiae ad eandem provinciam Novae Scotiae vel ex eà provincià ad dictum regnum nostrum Scotiae exportabuntur vel importabuntur in quibusvis hujus regni nostri portibus per dictum dominum Willielmum suosque praedictos, tantum quinque libras pro centum secundum antiquum negociandi modum, sine ullà alià impositione, taxatione, customa vel devorià ab ipsis in perpetuum levare et exigere; quae quidem summa quinque librarum pro centum, cum sit soluta per dictum dominum Willielmum suosque praedictos, nostris Officiariis ad hunc effectum constitutis; exinde licitum erit dicto domino Willielmo suisque praedictis, eadem bona de hoc regno nostro Scotiae, in quasvis alias partes et regiones extraneas, sine alicujus alterius customae, taxationis vel devoriæ solutione nobis vel nostris haeredibus aut successoribus aut aliquibus aliis, transportare et avehere, proviso tamen quòd dicta bona infra spatium tredecim mensium post ipsarum, in quovis hujus regni nostri portu appulsionem navi rursus imponantur: dando et concedendo absolutam et plenariam potestatem dicto domino Willielmo suisque praedictis, ab omnibus nostris subditis qui colonias deducere, mercimonia exercere, aut ad easdem terras Novae Scotiae, ab eisdem navigare voluerint, praeter dictam summam nobis debitam, pro bonis et mercimoniis quinque libras de centum vel ratione exportationis ex hoc regno nostro Scotiae, ad dictam provinciam Novae Scotiae vel importationis à dictà provincià ad hoc regnum nostrum Scotiae predictae, in ipsius ejusque praedictorum proprios usus sumendi, levandi et recipiendi, et similiter de omnibus bonis et mercimoniis, quae per nostros subducos coloniarum ductores, negotiatores et navigatores de dictà provincià Novae Scotiae, ad quavis nostra dominia aut alia quavis loca

loca exportabuntur, vel à nostris regnis et aliis locis ad dictam Novam Scotiam importabuntur, ultrà et suprâ dictam summam nobis destinatam quinque libras de centum et de bonis et mercimoniis omnium extraneorum aliorumque sub nostrâ obedientiâ minimè existentium, quæ vel de dictâ provincia Novæ Scotiæ exportabuntur, vel ad eandem importabuntur, ultrà et suprâ dictam summam nobis destinatam, decem libras de centum dicti domini Willielmi suorumque prædictorum propriis utibus per tales Ministros, Officiarios vel Substitutos eorumve deputatos aut factores, quos ipsi ad hunc effectum constituent et designabunt, levandi, sumendi et recipiendi, et pro meliori dicti domini Willielmi suorumque prædictorum aliorumque omnium dictorum nostrorum subditorum, qui dictam Novam Scotiam inhabitare, vel ibidem mercimonia exercere voluerint, securitate et commoditate, et generaliter omnium aliorum qui nostræ authoritati et potestati sese subdere non gravabuntur, nobis visum est, volumusque quòd licitum erit dicto domino Willielmo suisque prædictis, unum vel plura munimina, propugnacula, castella, loca fortia, speculas armamentaria, *the blockhouses*, aliaque edificia, cum portubus et navium stationibus ædificare, vel ædificari causare, unâ cum navibus bellicis, eademque pro defensione dictorum locorum applicare, sicuti dicto domino Willielmo suisque prædictis, pro dicto conamine perficiendo necessarium videbitur, proque ipsorum defensione militum catervas ibidem stabilire, præter prædicta suprâ mentionata, et generaliter omnia facere quæ pro conquestu, augmentatione populi, inhabitatione, preservatione et gubernatione dictæ Novæ Scotiæ, ejusdemque terrarum et territorii infrâ omnes hujusmodi limites pertinentias et dependentias sub nostro nomine et authoritate, quodcunque, nos si personaliter essemus præsentem facere poterimus, licet casus specialem et strictum magis ordinem, quàm in hac præsentem nostrâ chartâ præscribitur, requirat; cui mandato volumus & ordinamus, strictissimèque præcipimus omnibus nostris Justiciariis, Officiariis et subditis ad loca illa sese conferentibus ut sese applicent, dictoque domino Willielmo suisque prædictis, in omnibus et singulis supramentionatis, earum substantiis et dependentiis intendant et obediant, eisque in earum executione in omnibus adedò sint obedientes, ut nobis cujus Personam repræsentat, esse deberet, sub poenâ disobedientiæ et rebellionis. Declaramus in super per præsentis chartæ nostræ tenorem omnibus christianis Regibus Principibus et Statibus, quòd si aliquis vel aliqui, qui in posterum de dictis coloniis vel de earum aliquâ sit in provinciâ Novæ Scotiæ prædictæ, vel aliqui alii sub eorum licentiâ et mandato quovis tempore futuro piraticam exercentes per mare vel per terram, bona alicujus abstulerint, vel aliquod injustum aut indebitum hostiliter commiserint contrâ aliquos nostros nostrorumve hæredum at successorum, seu aliorum Regum, Principum, Gubernatorum aut Statuum in fœdere nobiscum existentium subditos, quòd talia bona injuriâ sic ablata, aut justâ querela desuper motâ per aliquem Regem, Principem, Gubernatorem Statum vel eorum subditos prædictos, nos nostri hæredes et successores publicas

proclamationes fieri curabimus in aliquâ parte dicti regni nostri Scotiæ ad hunc effectum magis commodâ, ut dictus pirata vel pirateæ, qui tales rapinas committent statò tempore per prefatas proclamationes limitando, plenariâ restituent quæcunque bona sic ablata, et pro dictis injuriis omnimodo satisficient, itâ ut dicti Principes, aliique sic conquerentes satisfactos se esse reputent, et quòd si talium facinorum commissores neque satisfactionem condignam faciant, nec fieri infrâ tempus limitandum curabunt, quòd tunc is vel alii qui tales rapinas commiserint, neque sunt, neque in posterum sub nostrâ obedientiâ et protectione, erunt; quòdque licitum et legitimum erit omnibus Principibus, aliisque quibuscunque tales delinquentes eorumve quemlibet omni cum hostilitate prosequi et invadere; et licet neminem nobilem et generosum de patriâ hac sine licentiâ nostrâ decedere statutum sit, nihilominus volumus quòd hoc præfens nostrum diploma sufficiens erit licentia et warrantum omnibus qui se huic itineri committent nisi læsæ majestatis sint rei aut alio aliquo speciali mandato sint inhibiti, atque per præfentis chartæ tenorem declaramus, volumusque, quòd nemo patriâ hâc decedere permittatur et ad dictam regionem Novæ Scotiæ tendere, nisi ii qui juramentum suprematatis nostræ primum fuisseperint; ad quem effectum Nos tenore chartæ nostræ præfentis dicto domino Willielmo, suisque prædictis vel eorum Conservatoribus, vel deputatis idem hoc juramentum omnibus personis versûs illas terras in eâ coloniâ sese conferentibus requirere et exigere plenariam potestatem et auctoritatem damus et concedimus; præterea nos cum avisamento et consensu prædicto pro nobis et successoribus nostris declaramus, decernimus et ordinamus, quòd omnes nostri subditi, qui ad dictam Novam Scotiam proficiantur aut eam incolent, eorumque omnes liberi et posteritas quos ibi nasci contigerit, aliique omnes ibidem periclitantes, habebunt et possidebunt omnes libertates, immunitates et privilegia liberorum et naturalium subditorum Regni nostri Scotiæ, aut aliorum nostrorum dominiorum, sicuti ibidem nati fuissent. Insuper nos pro nobis et successoribus nostris, damus et concedimus dicto domino Willielmo, suisque prædictis, liberam potestatem stabiliendi et cudere causandi monetam pro commercio liberiori inhabitantium dictæ provinciæ, cujusvis metalli, quo modo et quâ formâ voluerint et easdem præscribent; atque etiam si quæ quæstiones aut dubia super interpretatione et constructione alicujus clausulæ in hâc præfenti chartâ nostrâ contentæ occurrant, ea omnia fumentur et interpretabuntur in amplissimâ formâ et in favorem dicti domini Willielmi, suorumque predictorum. Præterea nos ex nostrâ certâ scientiâ, proprio motu, auctoritate et potestate regali, fecimus, univimus, annexavimus, creximus, creavimus et incorporavimus, tenoreque præfentis chartæ nostræ facimus, unimus, annexamus, erigimus, creamus et incorporamus totam et integram dictam provinciam et terras Novæ Scotiæ, cum omnibus earundem limitibus et maris, in unum integrum et liberum dominium et Baroniam per prædictum nomen Novæ Scotiæ omni tempore futuro appellandum; volumusque et concedimus, ac

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pro nobis nostrisque successoribus decernimus et ordinamus quòd unica seifina nunc per dictum dominum Willielmum suosque prædictos, et omni tempore futuro modo subsequenti sumenda, stabit et sufficiens erit seifina pro totâ dictâ regione cum omnibus partibus, pendiculis, privilegiis, casualitatibus et immunitatibus ejusdem suprâ mentionatis, absque aliâ aliquâ speciali aut particulari seifinâ per ipsum, suosque prædictos, apud aliquam aliam partem capiendâ; penès quam seifinam omniaque quæ indè ecuta sunt aut sequi possunt, nos cum avifamento præscripto pro nobis et successoribus nostris dispensavimus, tenoreque præsentis chartæ nostræ modo sub-
tùs mentionato dispensamus, in perpetuum tenendi et habendi totam et integram dictam regionem et dominium Novæ Scotiæ, cum omnibus ejusdem limitibus infrâ prædictâ maria cunctisque aliis privilegiis, libertatibus immunitatibus, casualitatibus, aliisque suprâ expressus, præfato domino Willielmo Alexandro, hæredibus suis et assignatis, de nobis et nostris successoribus in feodo, hæreditate, libero dominio, liberâ baroniâ et regalitate in perpetuum modo suprâ mentionato per omnes rectas metas et limites suos, prout jacent in longitudine et latitudine in domibus, ædificiis ædificatis et ædificandis, hortis, planis boscis, marefcis, viis, semitis, aquis, stagnis, rivulis, pratis pascuis, et pasturis, molendinis, murturis et eorum sequelis, aucupationibus, venationibus, piscationibus, petadiis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, fabrilibus, brasinis, brucriis et genestis, sylvis, nemo-ribus at virgultis, lignis, lapidicinis, lapide et calce, cum curiis et earum exitibus, hægeldis, Amerciamentis, bludvillis, et mulierum merchetis, cum communi pasturâ liberoque introitu et exitu, cum furcâ, fossâ, *sok, sak, thole, thane, insangthief, out sangthief, out warark, wavi, weck, wenyfone, pit et gallous*; ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis, avifamentis ac justis suis pertinentiis quibuscunque, tam non nominatis quàm nominatis tam sub-
tùs terrâ quàm suprâ terram, pro cul et propè ad prædictum dominium Baroniam et regalitatem spectantibus, seu justè spectare valentibus, quomodo libet; in futurum liberè, quietè, plenariè, integrè, honorificè, benè et in pace, sine ullâ revocatione, contradic-
tione, impedimento aut obstaculo quo cunque; reddendo indè annuatim dictus dominus Willielmus Alexander, sui-
que prædicti nobis nostrisque hæredibus et successoribus unum denarium monetæ regni nostri Scotiæ super fundo dictarum terrarum et provinciæ Novæ Scotiæ ad festum nativitatis Christi, nomine *Albæ Firmæ*, si petatur tantum. Et quia tentione dictarum terrarum et provinciæ Novæ Scotiæ, in Albâ firmâ prædictâ, deficiente tempestivo et legitimo introitu cujusvis hæredis vel hæredum dicti domini Willielmi sibi succedentium, quòd difficiliùs per ipsos præstari potest ob longinquam distantiam ad hoc regno nostro eadem terræ et provincia, ratione non introitus, in manibus nostris nostrorumve successorum devenient usquè ad legitimum legitimi hæredis introitum; et nos nolentes dictas terras et regionem quovis tempore in non introitu cadere, neque dictum dominum Willielmum suosque prædictos bene-

ficiis et proficiis ejusdem cātenus frustrari; idcirco nos cum avilamento prædicto eum dicto non introitu, quandocunque contigerit, dispensavimus tenoreque præsentis chartæ nostræ pro nobis et successoribus nostris dispensamus, ac etiam renuntiamus et exoneravimus, tenoreque præsentis chartæ nostræ, cum consensu prædicto, renuntiamus, et exoneramus dictum dominum Willielmum suoque prædictos de præfato non introitu dictæ provinciæ et regionis, cum omnibus beneficio et commoditate earundem, primis proficiis, censibus et devoriis hujusmodi, cum omnibus quæ desuper sequi possunt, quandocunque in manibus nostris devenient, aut ratione non introitus cadent; proviso tamen quod dictus dominus Willielmus, sui que hæredes et assignati infra spatium septem annorum post decessum et obitum suorum prædecessorum aut introitum ad possessionem dictarum terrarum aliorumque prædictorum, per ipsos vel eorum legitimos procuratores ad hunc effectum potestatem habentes nobis nostrisque successoribus homagium faciant, et dictum dominium terras et baroniam aliaque prædicta adeant, et per nos recipiantur secundum leges et statuta dicti regni nostri Scotiæ. In quo quidam casu hæredes et assignati dicti domini Willielmi Alexandri, non obstante prædicto non introitu, gaudebunt et possidebunt omnes et singulas prædictas terras regionem et dominium Novæ Scotiæ cum omnibus et singulis proficiis, commoditatibus, beneficiis, privilegiis et libertatibus earundem, ac si dictus non introitus non fuisset, vel ac si non introitu nunquam cecidissent; quæ quidem terræ, regio et dominium Novæ Scotiæ, tam terra firma quàm insulæ infra omnes et singulas bondas et marcas earundem, cum sylvis, piscationibus, tam in aquis salis quàm dulcibus, tam piscium regalium quàm aliorum, cum margaritis pretiosis lapidibus, venis, mineralibus, regni auri et argenti, aliis mineralibus ferri, chalybis, plumbi, cupri, æris stanni, orichalci, aliisque quibuscunque ac omnibus privilegiis, libertatibus, immunitatibus prerogativis officiis et jurisdictionibus aliisque specialiter et generaliter supra recitatis, quæ prius ad dictum dominum Willielmum Alexandrum, suosque hæredes et assignatos pertinuerint, et per ipsum suosque procuratores suo nomine in manibus nostris debite et legitime resignatæ fuerint, et hoc pro novo nostro hæreditario infeofamento earundem, in favorem dicti domini Willielmi, suorumque hæredum et assignatorum prædictorum, indebita et competenti formâ ut congruit concedendarum, tenendarum, ut dictum est, cum dispensatione non introitus modo præscripto, pro bono fidei et gratuito servitio nobis per dictum dominum Willielmum Alexandrum præstito et impenso, et respectu habito magnarum et multarum expensarum, et sumptuum *conferendorum et impendendorum in plantatione dictarum bondarum domini et regionis Novæ Scotiæ, et earundem sub nostrâ obedientiâ, reductione*, aliisque gravibus et causis onerosis de novo dedimus, concessimus et disposuimus tenoreque præsentis chartæ nostræ, damus, concedimus et disponimus præfato domino Willielmo Alexandro, suisque hæredibus et assignatis hæreditariis omnes et singulas prædictas terras, dominium et regionem Novæ Scotiæ, unâ cum omnibus et

singulis

singulis castellis, turribus, fortaliciis, maneriorum locis, domiliis, castris, extructis et extruendis, hortis, pomariis plantatis et plantandis, tellis, crocatis, pratis, pascuis, silvis, virgultis, molendinis, multuris, terris molendinariis, piscatoriis, tam rubrorum quàm alberum piscium, salmonum, piscium tam magnorum quàm minorum, tam in aquis salis quàm dulcibus; unà cum omnibus et singulis decimis garbailibus earumdem, inclusis tam magnis quàm minutis cum advocacione, donacione beneficiorum Ecclesiarum, et Capellaniarum, et juribus Patronatuum earumdem annexis, connexis, dependentiis, tenentibus, tenandis, et liberè tenentium servitiis earumdem; unà cum omnibus et singulis pretiosis lapidibus, gemmis, crystallo, alumine, corallo et aliis, cum omnibus et singulis mineralibus, venis, lapidicinis earumdem, tam metallorum et mineralium regaliorum et regiorum auri et argenti infra dictas bondas et dominium Novæ Scotiæ, quàm aliorum mineralium quorumcunque, cum omnibus et singulis partibus, pendiculis, pertinentiis, privilegiis, libertatibus et immunitatibus, omnia et singularia prædictarum terrarum domini et regionis Novæ Scotiæ, cum plenâ potestate et privilegio dicto domino Willielmo Alexandro, hæredibusque suis et assignatis tentandi et investigandi, fodiendi et scrutandi fundum pro iisdem, et extrahendi eadem, purgandi et repurgandi, purificandi, eadem utendi, convertendi ac suis propriis usibus applicandi, reservato solummodò nobis nostrisque successoribus, decimam partem regalium metallorum, vulgò appellatorum *Oare*, auri et argenti, inveniendi et extrahendi in posterum de dictis terris et regione, et reliqua dictorum metallorum, mineralium, pretiosorum lapidum, gemmarum ac aliorum quorumcunque dicto domino Willielmo Alexandro suisque hæredibus et assignatis pertinebunt cum ipsis perpetuò remanebunt eorumque propriis usibus convertendo, cum omnibus proficuis et devoriis earumdem; cum potestate dicto domino Willielmo Alexandro suisque hæredibus et assignatis, condendi, extruendi et erigendi in et infra omnes bondas dictæ regionis sicuti iis videbitur expediens, civitates, liberos burgos Baronie, villas, villulas, sinus, portus, stationes navium, et designandi nundinas et macella, tam in villis quàm extra, et imponendi, levandi, recipiendi omnes et quoscunque telonia, custumas, anchoragia, aliasque earumdem civitatum, burgorum Baronie, villarum, villularum, nundinarum, macellorum, liberorum portuum, sinuum, navium stationum, cum omnibus et singulis casualitatibus, proficuis et devoriis quibuscunque: easdem civitates et burgos adornandi, tam infra burgos quàm extra, cum sufficientibus et habilibus Magistratibus, pacis Justiciariis, præpositis Ballivis, Senioribus, Constabulariis aliisque Officiariis, civibus, burgensibus liberis et manufactoribus, artificibus omnium generum, cum Decanis ipsorum, aliisque ad hoc requisitis, cum plenariâ potestate, privilegio et libertate iis eorumve liberis civibus et burgensibus vendendi vinum et ciceram, salmones, halices; aliaque stapuli bona et mercimonia tam magna quàm minuta, et extruendi Ecclesias, Capellas, Xenodochia,

nodochia, *the hospitalls maifoundieus*, cruces forales, campanilia, campanas, aliaque omnia ornamenta ordinaria eisdem spectantia; et plantandi et sufficienter providendi easdem Ecclesias cum sufficientibus Doctoribus, Prædicatoribus et Ministris; et similiter erigendi, fundandi et extruendi scholas triviales, collegia et universitates sufficienter provisas habilibus et sufficientibus Magistris, Rectoribus, Regentibus, Professoribus omnium scientiarum, literarum, linguarum et sermonum, et providendi pro sufficiente alimento, stipendiis et victui pro eisdem ad hunc effectum: ac etiam erigendi Prælatos, Archiepiscopos, Episcopos, Rectores et Vicarios parochiarum et Ecclesiarum parochialium; et distribuendi, et dividendi omnes prædictas bondas dictæ regionis in diversis et distinctis Vice-comitatibus, provinciis et Parochiis, pro meliori provisione Ecclesiarum et ministerii, divisione vice-comitatum, et omni aliâ civili politiâ; et similiter fundandi, erigendi, et instituendi Senatum, justitiæ loca, et justitiæ collegia, consilii et sessionis Senatores, earundem membra pro justitiæ administratione infra dictam regionem, aliaque Justitiæ et Judicaturæ loca; præterea erigendi et designandi tam secreta et privata concilia et sessiones, pro publico bono et commodo dictæ regionis, et dando et concedendo titulos, honores et dignitates membrorum eorumdem, et creando Clericos et eorumdem membra, et designandi sigilla et registra cum ipsorum custodibus; ac etiam erigendi et instituendi Officiarios status, Cancellarium, Thesaurarium computorum, Rotulorum, collectionum, Secretarium, Advocatum vel Atornatum generalem, Clericum et Clericos registri et rotulorum Custodes justitiariæ, Clericum Directorem vel Directores Cancellariæ, Conservatorem vel Conservatores privilegiorum dictæ regionis, Advocatos, Procuratores causarumque Patronos, earundemque Solicitatores et Agentes, aliaque membra necessaria; et similiter convocandi, congregandi et constituendi conventiones et congregationes Ecclesiasticorum Prælatorum, tam generales synodales vel provinciales conventiones, quàm alias pro politiâ et disciplinâ ecclesiastica; et authorisandi, ratificandi et confirmandi easdem conventiones, consilia et congregationes, cum actis, statutis et decretis inibi conclusis, pro earundem meliori auctoritate. Præterea fecimus, constituimus et ordinamus tenoreque præsentis chartæ nostræ facimus, constituimus et ordinavimus dictum dominum Willichnum Alexandrum, suosque hæredes et assignatos nostros nostrorumve hæredum et successorum Locum-tenentes generales ad repræsentandum nostram regalem Personam, tam per mare quàm per terram, totius et integræ dictæ regionis et domini Noæ Scotiæ, tam durante spatio quò ibi remanebit, quàm in itinere ipsius vel eorum ad dictam regionem, vel ab eadem, et post ipsorum redditum, continuò sine intervallo temporis aut loci, excludendo omnes alios vel per mare vel per terram ab usurpatione hujus contrarii, vel ab acclamatione alicujus juris, beneficii auctoritate, et interesse infra dictas bondas et dominium Novæ Scotiæ, vel alicujus judicaturæ aut jurisdictione eâtenus virtute alicujus præcedentis aut subsequents juris aut tituli cujuscunque, et cum speciali potestate dicto domino

Willichno

Willielmo Alexandro, suisque prædictis gubernandi, regendi, muniendi et condonandi omnes nostros subitos alioque dictarum bondarum et regionis Novæ Scotiæ inhabitantes, aut ibi proficiscentes, pacis aut legum dictæ regionis transgressores, ac faciendi, faciendi et stabiliendi ibidem leges, tam civiles quàm criminales, cum legibus Justiciariæ, Admiralitatis, Senescallatûs, Regalitatis et Vice-comitatûs pro eorum beneplacito, modo eadem leges tam conformes sint legibus Scotiæ, quàm convenienter fieri potest, respectu habito circumstanciarum loci, regionis, personarum et qualitarum earundem; et similiter designandi Gubernatores, Imperatores et ductores omnium et singularum prædictarum civitatum, burgorum, portuum, navium stationum et sinuum, et Capitaneos etiam castrorum, fortalitiorum et propugnaculorum, tam per mare et propè littus, quàm per terram, benè et sufficienter munitorum, instructorum et fortificationum militum turmis et copiis pro manutentione, defensione et preservatione earundem, et repulsione omnium tam domesticarum quàm extranearum invasionum earundem; et convocandi, congregandi et convenire faciendi omnes inhabitantes dictæ regionis ad effectum prescriptum, omnibus occasionebus necessariis, ac pro repulsione et resistentiâ omnium aliarum virium et violentiarum quarumcunque, et pro meliori fortificatione dicti domini et regionis Novæ Scotiæ cum potestate dicto domino Willielmo Alexandro suisque prædictis, transportandi, de dicto regno aliisque bondis convenientibus omnia genera munitionis magna et minuta, tormenta majora media vulgò canones, demi canones, elinges, falcones æris et ferri, sclopetos atque alia instrumenta et belli machinas, cum sclopetis minoribus vulgò musketis, hagbentis, half-haggis, bombardis, vulgò pistoletis, pulvere, globulis, aliisque necessariis victualibus et armis tam offensivis quàm defensivis, et gerendi et utendi talibus armis tam infrâ dictam regionem Novæ Scotiæ, quam in eorum transitu et cursu, vel ad easdem terras vel ab eisdem, cum eorum comitibus, sociis et dependentibus. Nos etiam cum avisamento prædicto, fecimus, constituimus et ordinavimus, tenoreque præsentis chartæ nostræ, facimus, constituimus et ordinamus dictum dominum Willielmum Alexandrum, suosque hæredes et assignatos hæreditariè, nostros Justiciarios generales in omnibus causis criminalibus infrâ dictam regionem et dominium Novæ Scotiæ magnum Admirallum, et Dominum Regalitatis et Admiralitatis infrâ dictam regionem hæreditarios etiam Senescallos ejusdem omniumque et singularum regalitatum hujusmodi, cum potestate sibi suisque hæredibus et assignatis utendi, exercendi et gaudendi omnibus et singulis præfatis jurisdictionibus, judicaturis et officiis cum omnibus et singulis privilegiis, prærogativis, immunitatibus et casualitatibus earundem, similiter et adeo liberè quàm aliquis alius Justiciarius vel Justiciarii generales, Senescalli, Admiralli, Vice-comites aut Domini regalitatis habuerunt vel habere possunt, aut possidere et gaudere iisdem jurisdictionibus, judicaturis, officiis, dignitatibus et prærogativis, in aliquibus nostris regnis, bondis et dominiis nostris quibuscunque, cum potestate dicto domino Willielmo Alexandro, suisque hæredibus

dibus et assignatis constituendi, erigendi, nominandi et creandi Clericos et Officiarios, Serjandos, adjudicatores, omniaque alia Curiae membra, omnium et singularum praefatarum judicaturarum et jurisdictionum respectivè, cum omnibus feodis, devoriis et casualitatibus eisdem spectantibus, prout iis videbitur expediens, sine praedjudicio omnimodò omnium aliorum infeofamentorum, jurium vel dispositionum per nos nostrosve praedecessores cuicunque personae vel quibuscunque personis qui participes sunt vel erunt dictae plantationis Novae Scotiae procedentium, suprà resignatione dicti domini Willielmi Alexandri, solummodò et non aliter de quibuscunque partibus aut portionibus dictae regionis domini Novae Scotiae, cum privilegiis et immunitatibus in ipsorum infeofamentis mentionatis; et quum rationel ongi intervalli et distantiae dictae regionis et domini Novae Scotiae, à dicto antiquo regno nostro Scotiae, et quod eadem regio, neque facillè, neque commodè, nisi aestatis tempore peti potest, quodque eadem regio publicis Tabellionibus et Notariis requisitis, pro feisinis sumendis omninò est destituta, adeo ut feisina commodè super fundum dictae regionis omnibus temporibus capi non potest, atque etiam respectu habito magnorum et multifariorum incommodorum quae cadere possunt in defectu tempestivae feisinae sumendae supra hoc praefens diploma, et super alias chartas et similia infeofamenta concessa et concedenda de praedictis terris et dominio Novae Scotiae, vel aliquà earundem parte, igitur ut praefens haec nostra charta magis sit efficax, et ut feisina desuper magis commodè capi possit, necessarium est ut feisina sumatur omnium et singularum praedictarum terrarum dictae regionis et domini Novae Scotiae, infrà dictum regnum nostrum Scotiae, et super funda et terras ejusdem in magis eminente ejusdem loco, quodd nec convenienter nec legitimè fieri potest, sine expressà unione dictae regionis et domini Novae Scotiae quocircà et pro facilitate, comodo et convenientià antedictae feisinae, Nos cum avifamento praedicto annexavimus, univimus et incorporavimus, tenoreque praesentis chartae nostrae unimus, annexamus et incorporamus dicto regno nostro Scotiae, totam et integram praedictam regionem et dominium Novae Scotiae cum decimis, et decimis garbalibus earundem inclusis, et omnibus et singulis partibus, pertinentiis, privilegiis, jurisdictionibus et libertatibus earundem, aliisque generaliter et specialiter suprà mentionatis, et per praesentis chartae nostrae tenorem volumus, declaramus, decernimus et ordinamus quodd unica feisina nunc capienda apud castellum nostrum de Edinburg, tanquam maximè eminentem* et principalem locum dicti regni nostri Scotiae, de omnibus et singulis dictis terris, regione et dominio Novae Scotiae, vel aliquà earundem parte cum decimis et decimis garbalibus earundem respectivè inclusis, est et erit sufficiens feisina pro totis et integris praedictis terris, regione et dominio Novae Scotiae, cum decimis et decimis garbalibus earundem inclusis, vel aliquà earundem parte terrarum et regionis praescriptarum, et omnibus privilegiis, jurisdictionibus et libertatibus ejusdem respectivè, aliisque specialiter et generaliter supra mentionatis, non obstante quodd eadem terra, regio et dominium Novae Scotiae longè distet, et discontiguè

tiguè jaceat à dicto regno nostro Scotiæ, penes quodd nos cum avilament, et c. in sensu prædicto dispensavimus, tenoreque præsentis chartæ nostræ dispensamus in per. etuun, sine præjudicio et derogatione omnimodò dicti privilegii et prærogativæ præfati domino Willielmo Alexandro, suisque hæredibus et assignatis concessæ, pro confestione et stabilimento legum, actorum et constitutionum omnium et singularum prædictarum terrarum regionis et domini Novæ Scotiæ, tam per mare quàm per terram, et per præsentis chartæ nostræ tenorem declaramus, quodd non obstante dictâ unione (quæ concedi solûm nò declaratur pro com. nolitute et convenientiâ fessinæ) eadem regio et dominium Novæ Scotiæ judicabitur, regetur et gubernabitur per leges et constitutiones factas, faciendas, constituendas et stabiilendas per dictum dominum Willielmum Alexandrum, suosque hæredes et assignatos spectantes ad dictam regionem et dominium Novæ Scotiæ, similiter et adeò liberè in eo respectu, sicut eadem unio nunquam fuisset facta nec eàtenùs concessa; et prætereà non obstante prædictâ unione, licitum erit prædicto domino Willielmo Alexandro suisque hæredibus et assignatis dare, concedere et disponere aliquas partes vel portiones dictarum terrarum regionis domini Novæ Scotiæ iis hæreditariè spectantes, ad et in favorem quarumcunque personarum, earum hæredum et assignatorum hæreditariè, cum decimis et decimis garbalibus earumdem inclusis (modò nostri sint subditi) tenendas de dicto domino Willielmo Alexandro, vel de nobis et nostris successoribus, vel in albâ firmâ feudissimâ, vel wardâ et relevio pro eorum beneplacito, et intitulare et denominare easdem partes et portiones quibuscunque stilis, titulis et designationibus iis visum fuerit, aut in libito et optione dicti domini Willielmi suorumque prædictorum. Quæ quidem infeofamenta et dispositiones per Nos nostrosve successores liberè sine aliquâ compositione proptereà solvendâ approbabitur et confirmabitur; insuper Nos nostrique successores quascunque resignationes per dictum dominum Willielmum Alexandrum, suosque hæredes et assignatos fiendas de totis et integris præfatis terris et dominio Novæ Scotiæ, vel alicujus earumdem partis in manibus nostris nostrorumque successorum et commissariorum prædictorum, cum decimis et decimis garbalibus earumdem inclusis, aliisque generaliter et specialiter suprà mentionatis, recipimus, ad et in favorem cujuscunque personæ aut quarumcunque personarum (modò nostri sint subditi, et sub nostrâ obedienciâ vivant) et desuper infeofamenta expedient tenenda in liberâ albâ firmâ de nobis, hæredibus et successoribus nostris modo suprà mentionato liberè sine ullâ compositione; quæ quidem terræ, regio et dominium Novæ Scotiæ, cum decimis garbalibus earumdem inclusis, omnesque et singulæ partes pendiculæ et pertinentiæ, privilegia, jurisdictiones, prærogativæ et libertates earumdem, aliaque specialiter et generaliter supra mentionata, unâ eum omni jure, titulo, interesse, juris clameo tam petitoris quàm possessoris, quæ Nos nostrive prædecessores aut successores habuimus, habemus vel quovis modo habere vel clamare aut pretendere potuimus, ad easdem vel aliquam earumdem partem, aut ad census, firmas, proficua, et devorias earum-

dem, de quibuscunque annis aut terminis præteritis, pro quâcunque causâ vel occasione, Nos cum avifamento prædicto, pro rationibus suprâ mentionatis, de novo damus concedimus et disponimus prædicto domino Willielmo Alexandro suisque hæredibus et assignatis hæreditariè, in perpetuum renunciando et exonerando iisdem simpliciter cum omni actione et instantiâ câtenus competenti, ad et in favorem dicti domini Willielmi Alexandri suorumque hæredum et assignatorum, tam pro non solutione devoriarum in ipsorum originalibus infeofamentis contentarum, quàm pro non præstatione debiti homagii eisdem conformiter, aut pro non perimptione alicujus puncti dicti originalis infeofamenti, aut pro commissione alicujus culpæ, aut facti omissionis vel commissionis iisdem præjudiciabili, et undè idem originale infeofamentum legitimè impugnari, aut in quæstionem duci in posterum quovis modo possit, acquittendo et remittendo iisdem simpliciter cum omni titulo, actione, instantiâ et interesse câtenus competenti, aut quæ nobis nostrisque hæredibus et successoribus competere possit, renunciando iisdem simpliciter juri, liti et causæ, cum pacto de non petendo, ac cum supplemento omnium defectuum, tam non nominatorum quàm nominatorum, quæ nos tanquam pro expressis in hac præsentî chartâ nostrâ habere volumus, tenendo in liberâ albâ firmâ ut dictum est, et dispensando cum non introitu quâncunque contigerit modo prædicto. Insuper nos pro nobis et successoribus nostris cum avifamento prædicto damus, concedimus et committimus potestatem dicto domino Willielmo Alexandro, suisque hæredibus et assignatis habendi et legitimè stabiliendi, et eudere causandi monetam currentem in dictâ regione et dominio Novæ Scotiæ et inter inhabitantes ejusdem, pro faciliore commercii et pactiorum commodo, talis metalli, formæ et modi, sicuti ipsi designabunt aut constituent, et ad hunc effectum damus, concedimus et committimus iis eorumve hæredibus et assignatis dictæ regionis Locum-tenentibus privilegia monetam cudendi, cum instrumentis ferreis et Officiariis ad hunc effectum necessariis. Præterea Nos pro nobis et successoribus nostris cum avifamento prædicto dedimus, concessimus, ratificavimus et confirmavimus, ac per præsentis chartæ nostræ tenorem damus, concedimus, ratificamus et confirmamus dicto domino Willielmo Alexandro, suisque hæredibus et assignatis omnia loca, privilegia, prerogativas, præeminentias, et præcedentias quascunque datas, concessas et reservatas, vel dando, concedendo et reservando dicto domino Willielmo Alexandro, suisque hæredibus et assignatis ejusque successoribus Locum-tenentibus dictæ regionis et domini Novæ Scotiæ super Equites auratos, Baronetos reliquosque portionarios et consortes dictæ plantationis, adeo ut dictus dominus Willielmus Alexander suisque hæredes masculi de corpore suo descendentes, tanquam Locum-tenentes prædicti sumant et sumere possint locum, prerogativam, præeminentiam et præcedentiam, tam antè armigeros, Barones minores et generosos, vulgò *Esquires, Lords, and Gentlemen*, dicti regni nostri Scotiæ, quàm antè omnes prædictos Equites auratos, Baronetos ejusdem regni nostri, omnesque alios antè quos dicti Equites aurati, Baroneti lo-

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cum, et præcedentiam, virtute privilegii dignitatis iis concessi, habere possunt, pro ejus plantatione et coloniæ Novæ Scotiæ adjumento, et ejus præcipuo respectu dicti Equites aurati, Baroneti cum ipsorum statu et dignitate, cum avisamento prædicto in dicto regno nostro Scotiæ creati fuerant, tanquam indicium specialis nostri favoris super tales generosos et honesto loco natos collati, prædictæ plantationis et colloniæ participes, cum hac expressâ provisione omnimodò, quòd numerus præfatorum Baronetorum nunquam excedat centum et quinquaginta. Denique Nos cum avisamento prædicto pro nobis, hæredibus et successoribus nostris volumus, decernimus et ordinamus hoc nostrum diploma et infeofamentum ratificari, approbari et confirmari, cum omnibus ejusdem contentis in proximo nostro Parlamento regni nostri Scotiæ; et ut habeat vim, robur et efficaciam acti, statuti et decreti ejusdem supremæ judicaturæ, penes quod Nos pro nobis nostrisque successoribus declaramus et ordinamus præsentem hanc chartam Dominis articulis dicti nostri Parlamenti, pro ratificatione et confirmatione ejusdem modo præscripto sufficiens fore warrantum; in super dilectis nostris

Et vestrum cuilibet conjunctim et divisim, Vice-comitibus nostris in hac parte specialiter constitutis salutem, vobis præcipimus et mandamus quatenus præfato domino Willielmo Alexandro, vel suo certo actorato latori præsentium statum et seisinam hæreditariam pariter et possessionem corporalem, realem et actualem totarum et integrarum prædictarum terrarum regionis et domini Novæ Scotiæ, cum omnibus et singulis partibus, pendiculis, privilegiis, commoditatibus, immunitatibus, aliisque tam generaliter quàm particulariter superius expressis, apud dictum castrum nostrum de Edinburgh, tradatis et deliberetis sine dilatione, et hoc nullo modo omittatis; ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim Vice-comitibus nostris in hac parte ante dictâ nostram et plenariam et irrevocabilem tenore præsentis chartæ nostræ committimus potestatem. Quam quidem seisinam Nos cum avisamento prædicto, pro nobis nostrisque successoribus, tenore præsentis chartæ volumus, declaramus et ordinamus, tam fore legitimam et sufficientem, quam si precepta seisinæ separatim et ordinarie, è nostrâ Cancellariâ ad eum effectum super dictâ nostrâ chartâ fuissent directâ, penes quam nos cum avisamento prædicto, pro nobis, hæredibus et successoribus nostris dispensavimus, ac per præsentis chartæ nostræ tenorem dispensamus in perpetuum. In cujus rei testimonium huic præsentis nostræ chartæ magnum sigillum nostrum apponi præcipimus: testibus prædictis nostris Consanguineis et Consiliariis Jacobo Marchione de Hamiltone, Comite Araniæ et Cambridge, domino Evan et Invardaill, &c. Georgio Marefcalli, Comite, domino Keith, regni nostri Marefcalli; prædilecto nostro Cancellario domino Georgio Stay de Kynfarms, milite nostro Consiliario; prædilecto nostro Consanguineo et Consiliario Thoma Comite de Melrofs, domino Bynning, et nostro Secretario; dilectis nostris familiaribus.

bus Confiliariis dominis Ricardo Cockburne de Cleikingtourne, nostri secreti sigilli Custode; Joanne Hamilton de Magdalens, nostrorum Rotulorum registri Confilii Clerico, et Joanne Scott de Scottistarvit, nostræ Concellariæ Directore, militibus. Apud aulam *de Oblandis*, duodecimo die mensis julii, anno Domini millesimo sexcentesimo vigesimo quinto, et anno regni nostri primo.

I do hereby certify that this paper was transmitted to this office by order of the Lord Advocate of Scotland, as an authentick copy from the records of this kingdom. Plantation office, Whitehall, Oct. 19, 1750. *Signed,*

THOMAS HILL.

A PROCLAMATION *for the utter prohibiting the Importation and Use of all Tobacco which is not of the proper growth of the Collonyes of Virginia and the Sommer Islands, or one of them.*

[Rymer Vol. XVII. P. 668. A D. 1625.]

WHEREAS, at the humble Suite of our Commons in Parliament by our Royal Proclamation, bearing Date the *nyne and twentieth Day of September* now last past, for the Reasons therein containd, We have prohibited the Importation and Use of all *Tobacco*, which is not of the proper Growth of our *Collonies of Virginia and the Sommer Islands*, or one of them. And whereas, uppon the humble Petition of many our loving Subjects, being Planters or Adventurers in those Collonies, and for the Supporte and Incouragement of those Plantations, whose prosperous Estate We much affecte, and shall by all good Meanes be alwayes ready to cherish and protect, We have been contented to tolerate the Use of Tobacco of the Growth of those Plantations for a Tyme, untill by more solid Commodities they be able to subsiste otherwise, which, as We are informed, they cannot as yet by any Means do; and therefore by our said Proclamation We did thincke fitt to give particuler Directions in many Things tending to those Ends, and did streightly commaund the due Execution and Observacion thereof, under the Penalties therein contained: Now, because Wee have been informed, as well by the humble Certificate of our Commissioners for *Virginia*, as by the humble Petition of divers of our loving Subjects the Plant-

ers and Adventurers of, and in those Collonies, that notwithstanding our Royall Pleasure was so expressly signified, and the Reasons of State are so plainly layed down as might have perswaded every well affected Subjecte to the due Observation thereof; yet divers, out of an inordinate Desire of private Gayne, have willfully disobeyed our Commaundement herein, and thereby have endeavoured, as much as in them lyeth, to destroye soe noble a Work as the Support of those Plantations, which soe much concerns our Honor and the Honor and Proffitt of our People; Wee therefore being very sensible of this Neglecte and Contempte, have thoughte good to renewe our said Proclamation, and doe hereby signifie and declare unto all our loving Subjects, and unto all others, our expresse Will and Pleasure to be, that our said former Proclamation, and every Clause, Prohibition, Article, and Thing therein containned, shall from henceforth be duly observed and obeyed, with such Alterations and Conditions as are in these Presents contained and expressed, upon Payne of our highe Displeasure, and such Penalties and Punishments as in our said former Proclamation are, or in these Presents shall be lyimited or appointed for the Offendors thereof. And whereas some have since our saide last Proclamation, unmarchantlike, seacretlye, and cunningly stoln in greate Parcells of Tobacco, contrary to our saide Proclamation, We would have those Persons, and all others by their Example, knowe that they must expecte the Severity of that Censure, which our Court of Starchamber shall thincke fitte to inflict upon them, and that Wee are resolved not to relent or remitte their deserved Punishments, but to cause them, and all others that dare to offende heerein, to be prosecuted and punished in such Measure as such their high Contempt doth deserve. And because Wee conceived it would be utterlie in vayne to prohibite the Ymportation of such forraine Tobacco as aforesaid, unles the Care and Chardge of the Execution thereof were committed by Us to some fitte and able Persons, whoe besides their Respecte to our Service, might for their own particular Interest take the same to Harte; therefore We have by our Letters-patents under our Great Seale of England, authorized certain Persons, Citizens of London, well affected to those Plantations and to our Service, by themselves and their Deputies, to search and inquire into the Offences and Offendors against our said Proclamation; and Wee have also contracted with them to be our Agents for Us, and to our Use, to receive the Tobacco of those Collonyes at and for such Prices as we have agreed to give for the same; and besides those Prices to be given to the Planters and Owners of the said Tobacco, our said Agents have further contracted with Us, to give and pay unto Us and to our Use, such Sommes of Money more, as may give Us reasonable Satisfaction for that Losse which otherwise Wee should sustayn in our Customs and other Duties, and may enable Us to bear that Charge which Wee have undertaken yerely to disburse for the generall Defence and Support of those

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Plantations.

Plantations. And Wee doe further by this our Proclamation, publishe and declare, that Wee will constantlye and inviolablye observe and performe our said Contracte, and on our Parts, will allow and disburse out of our Revenue, those Sommes of Money for the Safety of those Plantations, and for the Ease of the Planters and Inhabitants there, which by the said Contracte hath been on our Parts undertaken; whereof We would have as well our said Agents, as the Planters and Adventurers in those Collonyes, and all other whom it may concerne, to rest confidently assured. And because Wee are given to understand that divers, usinge to trade in Tobacco, and having a purpose to ymport, or buy, or sell the same contrary to the Intent of this our Proclamation, doe usually land the same at private Wharfes, Stairs, or other Places, and sende or conveye the same unto the Houses, Cellars, Ware-houses, or other Places, of, or belonging to others whoe are lesse suspected then themselves, thereby to conceale the same from Us and our Agents; Wee further will and commaunde, that from henceforth noe Person whatsoever, presume to suffer the said prohibited Tobacco, to be landed at any Wharfe, Staire, or other Place, nor receive or conceal any such prohibited Tobacco, or suffer the same to be bestowed in any of their Houses, Cellars, Warehouses, or other Places, upon Payne of our high Displeasure, and uppon such Paynes and Penalties as by this, or our former Proclamation are to be inflicted uppon the principall Offenders: And to th'Intent that all the prohibited Tobacco brought in shall be justly and truly exported agayne, and noe Parte thereof fould or vented within theis our Kingdoms, our Will and Command is, that all the prohibited Tobacco whiche shall be seized within our Kingdom of England, shall be broughte or delivered into the Warehouses which shall be to that Purpose provided by the said Agents in our Citye of London, and all the prohibited Tobacco which shall be seized within our Kingdome of Ireland, shall be broughte and delivered into the Ware-houses, or Storehouses, which shall be to that Purpose appointed by our Agents, in our Citye of Dublyn, or elsewhere, within our said Kingdome of Ireland; and for the Incouragement of those who shall take Paynes in the Discovry and seizing thereof, our Will and Pleasure is, that the one halfe of the Value thereof shall be paid unto the Seizers thereof, in Money, by our Agents, and the Tobacco itselfe shall be exported againe by our saide Agents, or by their Appointments. And for the better Execution of our Service herein, Wee doe hereby give full Power and Authoritye, as well to our Agent and Agents, as to their Deputye and Deputyes, at all tyme and tymes to enter into and search for any prohibited Tobacco contrarye to this our Proclamation, in any Shippe, Boate, or Vessell, or in any House, Shoppe, Cellar, Warehouse, or in any Truncke, Chest, Kafe, Barrell, or back Cabbyn, or any other suspected place whatsoever; and finding any such prohibited Tobacco, the same to seize and carrye away, to be conveyed to such Place or Warehouse as our said Agents shall appointe for that purpose as aforesaide. And our expresse Will and Command

Is, that neither our said Agents, nor any others, doe sell or utter any part of the said prohibited Tobacco, within any our owne Dominions, there to be spent and used whereby the Vente of the Tobacco of our Collonyes aforesaid may any way be hindred uppon payne of our heavy Displeasure, and of such other Payns and Penalties as other Offendors against this our Proclamation are lyable unto. And whereas, by our former Proclamation, Wee did commaunde, that from and after the *Five and Twentieth Day of Marche*, then and now next ensueing, noe Person should sell, utter, or offer to put to Sale, or Use any Tobacco which is not of the proper Growth of the Collonies aforesaide, and before the End of Fortye Daies then next ensueing, should transporte out of our said Kingdome all other Tobacco then that of the Growth of those Colonies; Wee doe nowe by this our Proclamation ratifie and confirme the same, and commaunde the same to be duly put in Execution; and to the End, there may be noe evasion used to avoyde the same, Wee doe hereby give full Power and Commaundment to our saide Agents, by themselves and their Deputies, at any tyme or tymes after the said *Five and Twentieth Day of March* now next ensueing, to search for the saide prohibited Tobacco, and to take a true exacte Noate and Accompte of the Qualitie thereof, to the Ende, that the Owners thereof, before the End of Fortie Daies nexte ensueing after the said *Five and Twentieth Day of March*, either by themselves, or some others, may export the same, by the Privy of the Agents, according to the true Intent of this and of our said former Proclamation, and at the End of the said Forty Daies, may give just Accompte unto our Agents what is become thereof; and whatsoever Tobacco, which is not of the proper Growth of the Plantations aforesaide, shall after the saide Fortie Daies be founde in the Hands of any Person whatsoever, shall be seized by our said Agents, or their Deputyes to our Use, and the said Person or Persons having or using the same, shall incurre our highe Displeasure, and be subiecte to such further Paynes and Penalties as by our said former Proclamation are to be inflicted uppon any other Offenders. And our further Will and Commaunde is, That all the Tobacco of the Growth of our Collonies aforesaide, shall be brought to the Custome-House Keye of our Porte of London, and there be delivered to our Agents, or their Assignees, to our Use, according to our Contract aforesaid, or be kepte in our said Custome-House to be transported out of our Domyinions, and whatsoever Tobacco, of the Growth of those Plantations, or either of them, shall not be brought to that Keye, and be delivered as aforesaid, or for which there shall not be good Security given to our Agents within Fourteene Daies after the Landing thereof, to exporte the same as aforesaide, the same shall be forfeited and seized to our Use, by our Agents, or their Deputies, as other prohibited Tobacco, and this to be duly observed under the Pains and Penalties aforesaid. And whereas, Wee are given to understand, that divers using to trade in Tobacco have, and still doe seacretly and underhand steale

into our Kingdoms the said prohibited Tobacco, and doe so privily hyde and conceale the same, that they cannot be easily discovered nor found out, and doe either by themselves or others, by them to that purpose ymployed, carrie the same by small Quantities to the Houses or Shoppes of our Subjects inhabiting within our said Kingdomes, and doe sell or proffer the same to be sould, or else doe secretlye or covertlye offer to contract for the Sale of such prohibited Tobacco, our Will and Pleasure is, and We doe hereby streightlye chardge and commaund all and every our loveing Subjects, to whom any of the said prohibited Tobacco shall be offered to be sould or contracted for as aforesaide, that immediatelye uppon the Sight of any the said prohibited Tobacco, or uppon offer to contracte for any such Tobacco, they make Staye thereof, and of such Person or Persons as shall either proffer the same to sell, or shall offer to contracte for anye the said prohibited Tobacco, and that they and every of them whose shall have the said prohibited Tobacco soe proffered unto them to be sould as aforesaide, shall give Notice thereof, and chardge the next Constable, Hedborrowe, or other Officer with such Person or Persons whose shall offer to put the same to Sale, uppon payne of our high Displeasure, and of such other Paynes or Penalties, as other Offenders against this our Royal Proclamation are lyable unto. And Wee doe hereby further charge and commaund all and singular Constables, Hedborrowes and other our Officers aforesaide, that they and every of them, uppon Notice to them given of any such prohibited Tobacco as aforesaide, or of any such Person or Persons soe offending as aforesaide, that they seize the said Tobacco, and deteyne all such Person and Persons soe offending, as they shall have Knowledge of, untill they have given Notice thereof unto our said Agents, or their Deputye or Deputyes, and untill by their Meanes the Person offending may be brought before such Officer as hath Power by this our Proclamation to take sufficient Bond for the Appearance of such Person in some of our Courts of Justice, to answere for their Faults as the same shall deserve. And for the better finding out and Discovery of the Offences and Offenders against our former, and this our Proclamation, Wee are well pleased, and do hereby require and command, that our Treasorer, Commissioners for our Treasury, Chauncellor and Barons of our Exchequer, nowe and for the tyme being, within our said Kingdomes of England and Ireland respectively, shall and may awarde such and soe many Commissions as they shall thinke meete, to be directed to discrete and fitt Persons in all or any our Ports, or elsewhere, to enquire and examyne uppon Oath or otherwise, all such Persons as are or shall be suspected to have heretofore offended, or which hereafter shall offende against this or our former Proclamation in this Behalfe; or any other Person or Persons whatsoever, for the finding out and Discovery of the said Offences and Offenders as is beforementioned; to the End that, as well the Ymporters of such Tobacco, as the Buyers, Sellers, Spenders, Receivers, and Concealers thereof, may
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receive such condigne Punishments, by Fyne or otherwise, for their Offences, as by our Courte of Starchamber, or Courte of Exchequer, shall be thoughte fite: And in Case such Tobacco shall not or cannot be taken or sounde to be seized, that then every such Offender, shall forfeite and paye to the Hands of our Agent or Agents in this Behalf for our Use the full Value of such Tobacco as the said Offenders heretofore have or hereafter shall have imported, boughte, fould, vented, or received as aforesaide, besides such further Punishment as shall be fitt to be inflicted upon them for their Contempt. And our further Will and Pleasure is, and Wee doe hereby declare, that whatsoever our said Agent or Agents, thaire Assignee or Assignees, under the Hands and Seales of the greater Number of them, have already done, or shall doe hereafter, againste any Offendor or Offenders, in requiring and taking the Forfeiture of any Tobacco, or the Value thereof soe imported or uttered as aforesaid, or in the mitigating or taking any lesse Somme than the Value of the same of any such Offender in the Premisses, or otherwise according to the good Discretion of our said Agent or Agents, We do and will from tyme to tyme approve and allowe by theis Presents: And this Signification of our Pleasure shall be, as well unto our said Agent or Agents for the tyme being, as unto all and every such Commissioner and Commissioners, which have been or shall be ymployed in or about this our Service, a sufficient Warrant and Discharge in that Behalf, without any Accompt to be by them, or any of them respectively, yielded to Us, our Heires or Successors, and without incurring any Penalty in the doing or executing of this our Service and Royal Commaund. And forasmuch as heretofore divers great Quantities of Tobacco have been imported into this Realme, under the Name or Names of fundry poor Marriners and others which are not able to pay the value thereof, nor give Satisfaction for the same, our Will and Pleasure is, the better to avoyde such Frauds and Deceipts in tyme to come, that in whatsoever Shippe, or other Vessell, any such Tobacco in greater or lesser Quantities shall be founde or discovered to have been or to be soe imported, and to be shifted away, that Seizure thereof cannot or shall not be made, that then such Marriners and others, who shall soe import or cullor, the said Tobaccoes, shall not only be punished as aforesaid, but that every Maister of such Shippe or Vessell, wherein such Tobacco shall be so imported or shifted away as aforesaid, shall forfeit to Us the Value of the said Tobacco, and that such Shippe or Shippes shall be arrested and staid by the Officers of everie Porte, or any of our Agents, their Deputyes or Assignes respectively, until the said Forfeiture be dulye answered and paid to the Handes of our said Agent or Agents to our Use, or such others as they shall appoint in that Behalf. And for the better Execution of the Premisses, Wee doe straightly chardge and commaunde all Justices of Peace, Mayors, Sheriffes, Bayliffs, Constaibles, Headborrowes, Tithingmen, our Warden and Constaible of our Cinque Ports, and all other our Officers and Ministers,

as well of our Admiralties as otherwise, and all other our loving Subjects to whome yt shall or may appertayne, that they, and every of them, at all Tyme and Tymes hereafter, and from Tyme to Tyme, upon Sight of our Letters-patents granted to our said Agents, or of a Deputation under the Hands and Seales of our Agents, or any three of them, be ayding and assisting to our said Agent and Agents, and their Deputy and Deputyes, and to such our Commissioners as shall be from Tyme to Tyme appointed in or about this our Service, and also to be from Tyme to Tyme, aiding and assisting to all our Searchers, Waiters, and to all such other Person and Persons, as shall be authorized by our said Agent or Agents, or by our Customers or Farmors of our Customes, for the searching, seising, takinge, and carryeing away of all such Tobacco imported, or hereafter to be imported or uttered, or intended to be put to Sale, contrary to this our Royal Prohibition and Commaund; and if any Person or Persons shall be found privilye or secretlye to oppose or animate any others to contradiкте or withstand them in the due Execution of this our Service and Royall Commaund, or to neglect the due Execution thereof, that then We doe by theis Presents, straightly charge and commaund all and every our said Officers respectively, that every such Person and Persons shall be apprehended and brought before our Treasorer, Chauncellor of our Exchequer, or before any the Lords or others of our Privy Councell, or before our Chiefe Baron, or some other Barons of our Exchequer for the Tyme being, to receive such Order for condigne Punishment, to be inflicted upon them according to their Demerits, as shall be fitte.

Witnes our selfe, at *Theobalds*, the second day of Marche.

PER IPSUM REGEM.

De COMMISSIONE directa GEORGIO YARDELEY, *Militi*,
et Aliis.

[Rymer, Vol. XVIII. p. 311. A.D. 1625.]

CHARLES, by the Grace of God, &c. To our trusty and well beloved Sir George Yardeley, Knight, Francis West, Esquire, John Harvey, Esquire, George Sandis, Esquire, John Pott, Doctor of Physick, Roger Smith, Esquire, Ralph Hamor, Esquire, Samuel Matthews, Esquire, Abraham Percey, Esquire, William Clayborne, Esquire, William Tucker, Esquire, Jabez Whitacres, Esquire, Edward Blaney, Esquire, and William Farrar, Esquire, Greeting. Whereas our late Royall Father, Kinge James, of happie memory, deceased, by his Commission under

his Greate Seale of *England*, bearinge Date the *Six and Twentieth Day of August*, in the *Two and Twentieth Yeare of his Raigne of England, Fraunce, and Ireland*, and of *Scotland the Eight and Fiftith*, for the better ordering, manageing, and governing of the Affaires of the *Collony and Plantation in Virginia*, and of the Persons then there inhabiting, and that thereafter should be and inhabite, untill some other settled and constant course might be resolved of and established by himselfe, did nominate and assigne Sir *Francis Wyatt*, Knight, to be the then present Governour, and him and you the said Sir *George Yardeley, Francis West*, and divers others in the said Commission particularly mentioned, to be the then present Councell, of and for the said *Collony and Plantation in Virginia*, with divers Priviledges and Authorities in the said Commission expressed and sett downe, as in and by the same may more at large appeare: And whereas our said late Royall Father, upon Information that *George Wyatt*, Esquire, Father of the said Sir *Francis Wyatt*, was then lately deceased in the Realme of *Ireland*, by Reason whereof, happily the said Sir *Francis Wyatt* might desire to retorne into *England* about his owne private Occasions, which our said Father (notwithstanding the great and weighty Importance of his Affaires in that Country) was graciously inclined to yield unto, if himselfe should soe desire, and his Occasions soe require; and yet for that in the Absence of the said Sir *Francis Wyatt* (if no other Governour should be appointed by him) many Inconveniencies might happen, which in a Businesse of such Consequence, were necessary to be provided for by another Commission under his Greate Seale of *England*, bearinge Date the *Eighteenth Day of September*, in the said *Two and Twentieth Yeare of his Hignesse Raigne of England, Fraunce and Ireland*, and of *Scotland the Eight and Fiftith*, did give and graunt to the said Sir *Francis Wyatt*, free Liberty, Licence, and Authority, at his owne Will and Pleasure when he should soe think fitt, to retourne and take his Voyage for, towards, and into this Realme of *England*, for the Performance and Execution of his owne private Affaires; and to the End that the Service, in the first recyted Commission expressed, might not in the meane time be neglected, our said late Father's Will and Pleasure was, and he did by the said last mentioned Commission nominate and appointe you the said Sir *George Yardeley*, in the Absence of the said Sir *Francis Wyatt*, or upon his Death, if itt should soe happen, to be the then present Governour, and you the said *Francis West*, and the rest in the said former Commission mentioned to be the then present Councill of and for the said *Collony and Plantation in Virginia*; Giveing, and by the said later Commission, graunting unto you and them, and the greater Number of you and them respectively, full Power and Authority to performe and execute the Places, Powers, and Authorities incident to a Governour and Councell in *Virginia*, respectively, according to the Tenor, Effect, and true Meaning of the said former recyted Commission in that Behalf to them and you directed, together with divers other Priviledges and Authorities in the said last mentioned Commission expressed, as in
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and by the same may more at large appeare : Nowe Knowe yee that Wee, takinge into our princely Consideration, the Care and Providence of our said late Royall Father, haveing Respect to the good of that Plantation soe happily begun, which Wee conceive to be a Businesse of that Consequence which Wee ought to incourage, and by all good Meanes to bring to Perfection, Wee being forced by many other urgent Occasions (in Respect of our late Accessse unto the Crowne) to contynue the same Meanes that was formerly thought fitt for the Maintenance of the said Collony and Plantation, untill Wee should finde some more conveyent Meanes upon mature Advice, to give more ample Directions for the same, and reposing assured Truste and Confidence in the Understanding, Care, Fidelitie, Experience, and Circumspection of you the said Sir *George Yardeley*, *Francis West*, *John Hervey*, *George Sandys*, *John Pott*, *Roger Smith*, *Ralph Hamor*, *Samuell Matthews*, *Abraham Percy*, *William Clayborne*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrar*, have nominated and assigned, and by these Presents doe nominate and assigne you the said Sir *George Yardeley*, to be the present Governour, and you the said *John Harvey*, and the rest beforementioned to be the present Councell of and for the said *Collony and Plantation in Virginia*, givinge, and by these Presents granting unto you, and the greater Number of you respectively, full Power and authority to performe and execute the Places, Powers, and Authorities incident to a Governour and Councell of *Virginia* respectively ; and to direct and governe, correct and punish our Subjects now inhabiting, or being, or which hereafter shall inhabite or be in *Virginia*, or in any the Isles, Ports, Havens, Creeks, or Territories thereof, eyther in tyme of Peace or Warr ; and to order and direct the Affaires touching or concerning that Collony or Plantation in those forreigne parts only ; and to execute and performe all and every other Matters and Things concerneing that Plantation, as fully and amply as any Governour and Councell resident there, at anie time within the Space of Five Years now last past, had or might performe or execute : And because by the Discoverie of industrious and well experienced Men, the Lymitts and Bounds of the said Plantation may be augmented, and the Trade and Commerce for the Maintenance of the Inhabitants there from Tyme to Tyme resideing, much advanced, our Will and Pleasure is, and Wee doe by these Presents give and graunt unto you the said Sir *George Yardeley*, and the rest of you heerein before mentioned, or any fower or more of you, (whereof the Governour for the Time being, Wee will shalbe alwayes one) full Power and Authoritie to graunte one or more Commission or Commissions, unto any our subjects thereunto addresssing themselves, for the discovering of the said Countrey and Ports, Bounds, Lymitts, and Extents thereof, and alsoe for the finding out what Trades shall be most necessary to be undertaken for the Benefit and Advantage of the said Collony and Plantation, and the Good of the People inhabiting, or which shall inhabite there, both by Sea and Land, and further upon all Occasions.

Occasions as you, or any fower or more of you, (whereof the Governour for the Time being to be alwayes one) shall see fitt to fend out Forces for the fubducing of the *Indians* and *Savages* of the faid Countrey, and likewise to make Warr and Peace with them in all fuch Cafes as may ftand with the Safety of the faid Collony and our Honour, keeping alwaies fufficient Forces for the holding of the Places there now enjoyed : And yf it fhould happen the faid Sir *George Yardley* to dye, then our Will and Pleafure is, and Wee doe by thefe Presents nominate and affigne you, the faid *John Harvey*, upon the Death of the faid Sir *George Yardley*, to be our prefent Governour, and you the faid *Francis Weft*, and the reft of our faid Commiffioners to be our prefent Councell for the faid Collony and Plantation in *Virginia* ; giving and granting unto you, or the greater Number of you refpectively, full Power and Authority to execute the Places, Powers, and Authorities of a Governour and Councell in *Virginia* refpectively, as aforefaid ; and if it fhall happen the faid *John Harvey* likewise to dye, or in cafe the faid Sir *George Yardley*, his urgent Occasions (allowed by fower or more of our faid Councell there) fhall call him thence att anie Time, then our Will and Pleafure is, and Wee doe hereby give and graunt unto you the faid *Francis Weft*, and the reft of the Commiffioners before named, or the greater Number of you, full Power and Authoritie, in the Abfence of the faid *John Harvey*, to electe, nominate, and affigne one of our Councell aforefaid, to be the prefent Governor for the Collony and Plantation in *Virginia*, and foe to doe from Tyme to Tyme, as often as the Cafe fhall foe require : And Wee doe, by thefe Presents, nominate and affigne fuch Perfon by you, or the greater Number of you, foe from Tyme to Tyme to be elected and chofen, to be the prefent Governour, and you, the reft of our faid Commiffioners, to be our prefent Councell for the faid Collony and Plantation of *Virginia* ; giving, and by thefe Presents granting unto you, and the greater Number of you refpectively, full Power and Authority to execute and performe the Places, Powers and Authorities of a Governour and Councell for *Virginia* refpectively, in Manner and Form aforefaid : Neverthelefs, our Will and Pleafure is, that yee and every of you, proceed herein according to fuch Inftuctions as are in thefe Presents conteyned, or as yee or fuch of you as have been heretofore of our Councell there have received, or according to fuch Inftuctions as you fhall hereafter receive from Us, or our Commiffioners here, to that purpofe appoynted or to be appoynted : And our further Will and pleafure is, and We doe hereby give full Power and Authority unto, and doe will and commaund, that you the faid Sir *George Yardley*, and *John Harvey*, or either of you (who have already bene of the Councell in thofe Parts for the Plantation there, and have already taken your Oathes before our Privy Councell in *England*) fhall adminifter unto the faid *Francis Weft*, *John Pett*, *William Tucker*, *Jabes Whitacres*, *Edward Blaney*, and *William Farrow*, and every of them, the like Oath upon the Holy Evan-

gelist, as yee, or either of you, have already taken as Councillor of or for the said Collony or Plantation; willing and requiring you to be diligent and attendant in the Execution of this our Service and Commaundment; and alsoe willing and commaunding all other our loving Subjects there to be directed and governed by you, or the greater number of you, in all Things according to th'Intention and true Meaning of these Presents. And forasmuch as the Affaires of State of the said Collony and Plantation, may necessarily require some Person of Quality and Trust to be employed as Secretarie, for the writeing and answering of such Letters as shall be from tyme to tyme directed to, or sent from the said Governour and Councill of the Collony aforesaide; our Will and Pleasure is, and Wee doe by these Presents nominate and assigne you the said *William Clayborne*, to be our Secretarie of State, of and for the said Collony and Plantation of *Virginia*, residing in those parts; giving, and by these Presents graunting unto you, the said *William Clayborne*, full Power and Authority to doe, execute, and performe all and everie Thing and Things whatsoever, to the said Office of Secretarie of State, of and for the said Collony and Plantation of *Virginia*, incident and appertaining. And, *lastly*, Our Will and Pleasure is, that this our Commission shall contynue in Force untill such tyme as Wee, by some other Writing under Signett, Privie Seale, or Greate Seale of *England*, shall signifie our Pleasure to the contrarie.

In Witnes whereof, &c.

Witnes our selfe at *Westminster*, the Fourth Day of March.

PER IPSUM REGEM.

[Other Commissions were given, and Proclamations published, respecting Tobacco; but as they are not materially different from the former, or relate principally to the management of Tobacco in *England*, it does not appear necessary to transcribe them.]

De Concessione Commissionis Specialis pro Concilio in Virginia.

[Rymer, Vol. XVIII. P. 980. A. D. 1627.]

CHARLES, by the Grace of God, &c. To our trusty and welbeloved, *John Harvey*, Esquire, *Frauncis West*, Esquire, *George Sandys*, Esquire, *John Pott*, Doctor of Physicke, *Roger Smyth*, Esquire, *Ralph Hamor*, Esquire, *Samuel Mathewes*, Esquire, *Abraham Pearcy*, Esquire, *William Cleyborne*, Esquire, *William Tucker*,

Tucker, Esquire, James Whitacres, Esquire, Edward Blaney, Esquire, William Farrar, Esquire, Greeting. Whereas, our late Decree and Royall Father, King *James*, of happy Memory, deceased, by his Commission under his Greate Seale of *England*, bearing Date the *six and twentieth Day of August*, in the *twoe and twentieth* Yeare of his Raigne of *England, Fraunce, and Ireland*, and of *Scotland* the eight and fiftieth, for the better ordering, managing, and governing of the Affayres of the Colony and Plantation in *Virginia*, and of the Persons then and there inhabiting, and that thereafter should be and inhabit here, untill some constant and settled Course might be resolved of and established by himselfe, did nominate and assigne Sir *Francis Wyatt*, Knight, to be the then present Governor, and him and Sir *George Tardley*, Knight, and you the said *Francis West*, and divers others in the said Commission particularly named, to be the present Councell of and for the said Collonye and Plantation in *Virginia*, with divers Priviledges and Authorities in the said Commission expressed and sett downe, as in and by the same may more at large appeere: And whereas, our said late Royall Father, uppon information that *George Wyatt*, Esquire, Father of the said Sir *Frauncis Wyatt*, was then lately deceased in the Realme of *Ireland*, by Occasion whereof happily the said Sir *Francis Wyatt*, might desire to retorne into *England* about his owne private Occasions, which our said Father, notwithstanding the greate and weighty Importance of his Affayres in that Countrey, was graciously inclined to yeald unto, if himselfe should soe desire, and his Occasions should soe require; and yet for that, in the Absence of the said Sir *Frauncis Wyatt*, (if noe other Governor should be appoynted by him) many Inconveniencies might happen, which in a Busines of such Consequence weare necessary to be provided for, by another Commission under his Greate Seale of *England*, bearing Date the *eighthcenth Day of September*, in the said *twoe and twentieth Yeare of his Highnes Raigne of England, Fraunce, and Ireland*, and of *Scotland* the eight and fiftieth, did give and graunt unto the said Sir *Frauncis Wyatt*, free Libertye, Licence and Authority, at his own Will and Pleasure when he should soe thinke fitt, to retorne and take his Voyage for, towards, and into this Realme of *England*, for the Performance and Execution of his own private Affayrs: And to the End that the Service in the first recited Commission expressed, might not in the meane Tyme be neglected, our said late Father's Will and Pleasure was, and he did by the said last mentioned Commission, nominate and appoynt Sir *George Tardley*, Knight, (since deceased) in the Absence of the said Sir *Frauncis Wyatt*, or uppon his Death, (if it should so happen) to be the then present Governor, and you the said *Frauncis West*, and the rest in the said former Commission mentioned, to be the then present Councell, of and for the said Collony and Plantation in *Virginia*; giving, and by the said latter Commission, graunting unto you and them, and the greater Number of you and them respectively, full Power and Authority to performe

and execute the Places, Powers, and Authorities incident to a Governor and Councell in *Virginia* respectively, according to the Tenor, Effecte, and true Meaning of the said former recited Commission in that Behalfe, to them and you directed, together with divers other Priviledges and Authorities in the said last mentioned Commission expressed, as in and by the same may more at large appeare: And whereas, We taking into our Princely Consideration the Care and Providence of our said late Deere and Royall Father, and having Respekte to the Good of that Plantation soe happily begun, which We conceived to be a Busines of that Consequence which We ought to encourage, and by all good Meanes to bringe to Perfection, We being forced by many other Occasions (in Respekte of our then late Accessse to the Crowne), to continue the same Meanes that formerly was thought fitt for the Maintenance of the said Collonye or Plantation, until We should finde some more convenient Meanes upon mature Advise, to give more ample Directions for the same, did by our Greate Seale of *England*, bearing Date the *fourteenth Day of March, in the first Yeare of our Raigne*, nominate and assigne the said Sir *George Yardley* to be the then present Governor, and you the said *John Harvey*, and the rest aforementioned, to be the then present Councell of and for the said Collony and Plantation in *Virginia*, giving and granting by our said Commission, unto the said Sir *George Yardley* and you, and the greater Number of him and you respectively, full Power and Authority, to performe and execute the Places, Powers, and Authorities incident to a Governor and Councell of *Virginia* respectively: And whereas by our said Commission, We did declare our Will and Pleasure to be, that if it should happen the said Sir *George Yardley* to dye, then We did by our said Commission nominate and appoynte you, the said *John Harvey*, uppon the Death of the said Sir *George Yardley*, to be our then present Governor, and you the said *Frauncys West* and the rest of our Commissioners, to be our then present Councell for the said Collony and Plantation in *Virginia*; giving and granting unto you, or the greater number of you respectively, full Power and Authority respectively, to execute the Places, Powers and Authorities of a Governour and Councell in *Virginia* respectively, as aforesaid, together with divers other Powers, Priviledges and Authorities in our said Commission mentioned and expressed, as in and by the same may more at large appeare: And whereas, the said Sir *George Yardley* is lately deceased, Know ye therefore, that We, in Accomplishment of our former Intention, expressed in our said Commission, and being willing and carefull by all good Meanes to further and advance the said Plantation, and to bring the same to Perfection, and to continue the same Course and Meanes which was formerly thought fit for the Mayntenance and Government of the same Colony and Plantation, until We shall finde some more convenyent Meanes upon mature advise to give more ample Directions for the same; and reposeing assured Trust and Confidence in the Understanding, Care, Fi-

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delitye, Experience and Circumspection of you the said *John Harvey*, *Frauncys West*, *George Sandys*, *John Pitt*, *Roger Smyth*, *Ralph Hamer*, *Samuell Matthews*, *Abraham Pearcy*, *William Clayborne*, *William Tucker*, *Jabes Whitacres*, *Edward Blancy*, and *William Farrar*, have nomynated, and assigned, and by theis Presents doe nomynate and assigne you, the said *John Harvey* to be the present Governour, and you the said *John Harvey*, and the rest aforementioned, to be the present Councell of and for the said Colonye and Plantation in *Virginia*; givinge, and by theis Presents graunting unto you, and the greater Number of you respectively, full Power and Authority to performe and execute the Places, Powers, and Authorities incident to a Governour and Councell of *Virginia* respectively, and to directe and governe, correcte, and punishe our Subjects now inhabiting or being, or which hereafter shall inhabitt or be in *Virginia*, or in the Isles, Ports, Havens, Creeks, or Territories thereof, either in Tyme of Peace or Warre; and to order and directe the Affayres touching or concerning that Collonye or Plantation in those Forreigne Parties onely, and to execute and performe all and every other Matters and Things concerning that Plantation, as fully and ampie as any Governor and Councell resident there, at any Tyme within the Space of three Yeares nowe last past, had or might performe or execute: And because, by the Discoverye of industrious and well experienced Men, the Lymitts and Bounds of the said Plantation may be augmented, and the Trade and Commerce for the Mayntenance of the Inhabitants there from Tyme to Tyme residing much advanced, our Will and Pleasure is, and Wee doe by theis Presents give and graunte unto you the said *John Harvey*, and the rest of you herein before mentioned, or any fower or more of you, (whereof the Governor for the Tyme being to be alwayes one) full Power and Authority to graunt one or more Commissions unto any our Subjects, thereunto addressinge themselves for the Discoverye of the same Countrey and Portes, Bounds, Limitts, and Extent thereof, and alsoe for the finding out what Trades shall be most necessary to be undertaken for the Benefit and Advantage of the said Collonye and Plantation, and the Good of the People inhabiting, or which shall inhabitt there, both by Sea and Land: And further, uppon all Occasions, as you, or any foure or more of you, (whereof the Governor for the Tyme being to be alwayes one) shall see fitt to send out Forces for the subdueing of the *Indians* and *Savages* of the said Countrey, and likewise to make Warr and Peace with them, in all such Cases as may stand with the Safetie of the said Collonye and our Honour, keeping alwayes sufficient Forces for the houlding of the Places there nowe enjoyed; and if it shall happen the said *John Harvey* to dye, or in case the said *John Harvey* his urgent Occasions (allowed by foure or more of our said Councell there) shall call him thence at any Tyme, then our Will and Pleasure is, and Wee doe hereby give and graunt unto you the said *Francis West*, and the rest of the Commissioners beforenamed, or the greater Number

ber of you, full Power and Authority, upon the Death, or in the Absence of the said *John Harvey*, to electe, nominate, and assigne one of our Councell aforesaid, to be the present Governour for the said Collonye and Plantation for *Virginia*, and soe to doe from Tyme to Tyme as often as the Case shall soe require: And We doe by theis Presents nominate and assigne such Person by you, or the greater Number of you, from Tyme to Tyme to be elected and chosen, to be the presente Governour, and you, the rest of our said Commissioners, to be our present Councell for the said Collonye and Plantation for *Virginia*; givinge, and by theis Presents graunting unto you, and the greater Number of you respectively, full Power and Authority, to execute and performe the Places, Powers, and Authorities of a Governor and Councell for *Virginia* respectively, in Manner and Forme aforesaid: Nevertheless our Will and Pleasure is, that ye and everye of you, proceede herein according to the Instructions as are in theis Presents conteyned, or as ye, or such of you as have bene heretofore of our Councell there have received, or according to such Instructions as you shall hereafter receive from Us, or the Lords and others of our Privye Councell here: Provided alwayes, and our expresse Will, Pleasure, and Commaundment is, and Wee doe hereby give full Power and Authority unto you the said *John Harvey*, and such other Person as shalbe Governor there for the Tyme being, according to the true Meaneing of theis Presents, and our Intention and Meaning before herein declared, that uppon the Death or Discontinuance of any of our Councell there, you the said *John Harvey*, and such other Person as shalbe Governor there for the Tyme being, shall electe, nominate, and appoynt such other sufficient, able, and discrete Person or Persons in the Roome or Place of him or them soe dyeing or discontinuing, during the Continuance of this our present Commission; and that you shall from Tyme to Tyme retorne and certifie the Names and Qualities of such Person or Persons, soe by you to be nominated and appoynted in the Place and Roome of such of the Councell there soe dyeing or discontinuing as aforesaid, unto our Lords and others of our Privye Councell heere, to the End that such Person or Persons soe to be by you nominated and appoynted in Manner aforesaid, may receive full Approbation and Allowance of such their Election and Choyce in the Roome and Place of such our Councell there, as shall eyther dye or discontinue as is aforesaid. And our further Will and Pleasure is, and Wee doe hereby give full Power and Authority unto, and doe alsoe will, require, and commaund, that you the said *John Harvey* and *Frauncis West*, or eyther of you, whoe have already bene of the Councell in those Parts for the Plantation there, and have already taken your Oathes before our Privy Councell in *England*, shall administer unto the said *George Sandys*, *John Pott*, *Roger Smyth*, *Ralph Hamer*, *Samuell Matthews*, *Abraham Percy*, *William Cleyborne*, *William Tucker*, *Jabes Whitakers*, *Edward Blancy*, *William Farrar*, and every of them, the like Oath upon
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the Holy Evangelist, as ye or either of you have already taken as Councillor of or for the said Collony or Plantation: Willing and requiring you to be diligent and attendant in the Execution of this our Service and Commaundement; and alsoe requiring all other our loving Subjects there to be directed and governed by you, or the greater Number of you, in all Things according to the Intention and true Meaning of theis Presents. And forasmuch as the Affaires of State of the said Collony and Plantation, may necessarilye require some Person of Trust and Qualitic to be employed as Secretary, for the writeing and answearing of such Letters as shalbe from Tyme to Tyme directed to, or sent from the said Governour and Councill of the Collony aforesaid, our Will and Pleasure is, and We doe by theis Presents nominate and assigne you the said *William Cleyborne*, to be our Secretary of State for the said Collony and Plantation of *Virginia*, resideing in those Parts; givinge and by these Presents graunting unto you the said *William Cleyborne*, full Power and Authoritye to doe, execute, and performe all and every Thinge and Things to the said Office of Secretary of State, of and for the said Collony and Plantation of *Virginia*, incident and apperteyning: And, lastly, our Will and Pleasure is, that this our Commision shall continue in Force untill such Tyme as We, by some other Writeing under our Signett, Privy Scale, or Greate Scale of *England*, shall signifye our Pleasure to the contrary.

In Witnes whereof, &c.

Witnes our self at *Westminster*, the *six and twentieth Day of Marche*.

Per Breve de Privato Sigillo.

CHARTER of MASSACHUSETTS BAY.

[Original.]

CHARLES, BY THE GRACE OF GOD, King of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. TO ALL to whome theis Presents shall come Greetinge. WHEREAS, our most Deare and Royall Father, King James, of blessed Memory, by his Highnes Letters-patents bearing Date at Westminster the third Day of November, in the eighteenth Yeare of his Raigne, HATH given and graunted vnto the Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England

in America, and to their Successors and Assignes for ever, all that Parte of America, lyeing and being in Breadth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty-eight Degrees of the faide Northerly Latitude inclusive-ly, and in Length, of and within all the Breadth aforesaid, throughout the Maine Landes from Sea to Sea; together also with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fishing, Mynes, and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Mineralls, precious Stones, Quarries, and all and singular other Comodities, Jurisdiccons, Royalties, Priviledges, Franchesies, and Prehemynences, both within the said Tract of Land vpon the Mayne, and also within the Islandes and Seas adioyning: PROVIDED alwayes, That the faide Islandes, or any the Premisses by the said Letters-patents intended and meant to be graunted, were not then actualie possessed or inhabited, by any other Christian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our faide Deare Father, to be planted by divers of his loveing Subjects in the South Partes. To HAVE and to houlde, possesse and enjoy all and singular the aforesaid Continent, Landes, Territories, Islandes, Hereditaments, and Precincts, Seas, Waters, Fishings, with all, and all Manner their Comodities, Royalties, Liberties, Prehemynences, and Profitts that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Parte and Parcell thereof, vnto the faide Councell and their Successors and Assignes for ever, to the sole and proper Vse, Benefitte, and Be- hoofe of them the faide Councell, and their Successors and Assignes for ever: To be houlden of our faide most Deare and Royall Father, his Heires and Successors, as of his Mannor of East-Greenewich in the County of Kent, in free and comon Soc- cage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the faide late Kinge, his Heires and Successors, the fiftre Parte of the Oare of Gould and Silver, which should from tyme to tyme, and at all Tymes then after happen to be found, gotten, had, and obteyned in, att, or within any of the faide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Respect of all and all Manner of Duties, Demaundes and Services whatsoever, to be don, made, or paide to our faide Deare Father the late Kinge, his Heires and Successors, as in and by the faide Letters-patents (amongest fundrie other Clauses, Powers, Priviledges, and Grauntes therein conteyned, more at large appeareth: AND WHEREAS, the faide Councell established at Plymouth, in the County of De- von, for the plantinge, ruling, ordering, and governing of Newe England in Ame- rica, have by their Deede, indented vnder their Comon Seale, bearing Date the nyntcenth Day of March last past, in the third Yeare of our Raigne, given, graunt- ed, bargained, soulede, enfeofed, aliened, and confirmed to Sir Henry Rosewell,

Sir John Young, Knightes, Thomas Southcott, John Humphrey, John Endecott, and Symon Wherecombe, their Heires and Assignes, and Assignes for ever, all that Parte of Newe England in America aforesaid, which lyes and extendes betweene a greate River there, comonlic called Monomack, alias Merrimack, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlic called Massachusets, alias Mattachusets, alias Massatusetts Bay, and also all and singular those Landes and Hereditaments whatsoever, lying within the Space of three English Myles on the South Parte of the saide Charles River, or of any, or everie Parte thereof; and also, all and singuler the Landes and Hereditaments whatsoever, lying and being within the Space of three English Myles to the Southwarde of the Southermost Parte of the saide Bay called Massachusets, alias Mattachusets, alias Massatusetts Bay; and also, all those Landes and Hereditaments whatsoever, which lye, and be within the Space of three English Myles to the Northward of the saide River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lying within the Lymitts aforesaide, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the Mayne Landes there, from the Atlantick and Westerne Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all the Landes and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fishings, and Hereditaments whatsoever, lying within the saide Boundes and Lymytts, and everie Parte and Parcell thereof; and also, all Islandes lying in America aforesaide, in the saide Seas or either of them on the Westerne or Easterne Coastes or Partes of the saide Tractes of Lande, by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeofed, aliened, and confirmed, or any of them; and also, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Mineralls whatsoever, in the saide Lands and Premisses, or any Parte thereof; and all Jurisdiccions, Rights, Royalties, Liberties, Freedomes, Ymmunities, Priviledges, Franchises, Preheminences, and Comodities whatsoever, which they, the saide Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vse, exercise, or enjoy, in or within the saide Landes and Premisses by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeofed, and confirmed, or in, or within any Parte or Parcell thereof: To HAVE and to hould, the saide Parte of Newe England in America, which lyes and extendes and is abutted as aforesaide, and every Parte and Parcell thereof; and all the saide Islandes, Rivers, Portes, Havens, Waters, Fishings, Mynes, Myneralls, Jurisdiccions, Franchises, Royalties, Liberties, Priviledges, Comodities, Hereditaments, and Premisses whatsoever, with the Appurtenances vnto

the faide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Affociats, to the onlie proper and absolute vse and Behoofe of the faid Sir Henry Rosewell. Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Symen Whetcombe, their Heires and Assignes, and their Affociats for evermore; To BE HOULDEN of Vs, our Heires and Successors, as of our Mannor of East-Greenwich, in the County of Kent, in free and comon Soccage, and not in Capite, nor by Knights Service; YEILDING and payeing therefore vnto Vs, our Heires and Successors, the fifte Parte of the Oare of Goulde and Silver, which shall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the faide Landes, within the faide Lymitts, or in or within any Parte thereof, for, and in Satisfaccon of all manner Duties, Demaundes, and Services whatsoever to be donn, made, or paid to Vs, our Heires or Successors, as in and by the faid recited Indenture more at large maie appeare. NOWE KNOW Yee, that Wee, at the humble Suite and Peticon of the faide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have affociated vnto them, HAVE, for divers good Causes and Consideracons, vs moveing, graunted and confirmed, and by theis Presents of our especiall Grace, certen Knowledge, and meere Mocon, doe graunt and confirme vnto the faide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Affociats hereafter named; (videlicet) Sir Richard Saltonstall, Knight, Isaack Johnson, Samuel Alderfey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all the faide Parte of Newe England in America, lying and extending betweene the Boundes and Lymytts in the faid recited Indenture expresse, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood-Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Jurisdiccions, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchises, Preheminences, Hereditaments, and Comodities whatsoever, to them the faide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and to their Affociats, by the faide recited Indenture, given, graunted, bargayned, solde, enfeoffed, aliened, and confirmed, or mencoed, or intended thereby to be given, graunted, bargayned, sold, enfeoffed, aliened, and confirmed: To HAVE and to hould, the faide Parte of Newe England in America, and other the Premisses hereby mencoed to be graunted and confirmed, and every Parte and Parcell thereof with the Appurtenn-

ees, to the faide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Izaak Johnsen, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Alderfey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forever, to their onlie proper and absolute Use and Behoofe for evermore; To be holden of Us, our Heires and Successors, as of our Manor of East-Greenewich aforesaid, in free and comon Soccage, and not in Capite, nor by Knights Service; AND ALSO YIELDING and paying therefore to Vs, our Heires and Successors, the fiftte parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and att all tymes hereafter shalbe there gotten, had, or obteyned, for all Services, Exaccions and Demaundes whatsoever, according to the Tenure and Reservacon in the said recited Indenture expressed. AND FURTHER, knowe yee, that of our more especiall Grace, certen Knowledg, and meere mocon, Wee have given and graunted, and by theis Presents, doe for Vs, our Heires and Successors, give and graunte vnto the faide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Izaak Johnsen, Samuell Alderfey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes, all that Parte of Newe-England in America, which lyes and extendes betweene a greate River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certen Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the faide River, called Charles River, or of any or every Parte thereof; and also all and singuler the Landes and Hereditaments whatsoever, lying and being within the Space of Three Englishe Miles to the southward of the southermost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those Landes and Hereditaments whatsoever, which lye and be within the Space of Three English Myles to the Northward of the faide River, called Monomack, alias Merrimack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lying within the Lymitts aforesaide, North and South in Latitude and Breadth, and in Length and Longitude, of and within all the Breadth aforesaide, throughout the mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte;

and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood-Groundes, Havens, Ports, Rivers, Waters, and Hereditaments whatsoever, lyeing within the said Boundes and Lymytts, and every Parte and Parcell thereof; and also all Ilandes in America aforefaide, in the faide Seas, or either of them, on the Westerne or Easterne Coastes, or Partes of the faide Tract of Landes hereby mencōed to be given and graunted, or any of them; and all Mynes and Mynerals whatsoever, in the said Landes or Premisses, or any parte thereof, and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymytts aforesaid, and the Seas thereunto adioyning; and all Fishes, Royal Fishes, Whales, Balan. Sturgions, and other Fishes of what Kinde or Nature foever, that shall at any time hereafter be taken in or within the faide Seas or Waters, or any of them, by the faide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Alderfey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires or Assignes, or by any other person or persons whatsoever there inhabiting by them, or any of them, to be appointed to fishe therein. PROVIDED alwayes, That yf the said Landes, Ilandes, or any other the Premisses herein before mentioned, and by theis presents, intended and meant to be graunted, were at the tyme of the graunting of the faide former Letters-patents, dated the Third Day of November, in the Eighteenth Yeare of our said deare Father's Raigne aforefaide, actually possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our said late Father, to be planted by divers of his loving Subjects in the south partes of America, That then this present Graunt shall not extend to any such partes or parcells thereof, foe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacon as aforefaide, but as to those partes or parcells foe possessed or inhabited by such Christian Prince or State, or being within the Boundes aforefaide shall be vttlerie voyd, theis presents or any Thing therein conteyned to the contrarie notwithstanding. TO HAVE and to hould, possesse and enjoy the faide partes of New-England in America, which lye, extend, and are abuted as aforefaide, and every parte or parcell thereof; and all the Ilandes, Rivers, Portes, Havens, Waters, Fishings, Fishes, Mynes, Mynerals, Jurisdiccions, Franchises, Royalties, Liberties, Priviledges, Comodities, and Premisses whatsoever, with the Appurtenances, unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Alderfey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell,

ell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes forever, to the onlie proper and absolute Use and Behoufe of the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Ifaack Johnson, Samuell Alderfey, John Ven, Mathewe Cradocke, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes for evermore: To BE HOLDEN of Vs, our Heires and Successors, as of our Manor of East-Greenwich in our Countie of Kent, within our Realme of England, in free and comon Soccage, and not in Capite, nor by Knights Service; and also yielding and paying therefore, to Vs, our Heires and Successors, the fiftte Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, shal be there gotten, had, or obteyned, for all Services, Exaceous, and Demaundes whatsoever; PROVIDED alwaies, and our expresse Will and Meaning is, that onlie one fiftte Parte of the Gould and Silver Oare above mencoed, in the whole, and noe more be reserved or payable vnto Vs, our Heires and Successors, by Colour or Vertue of theis Presents, the double Refervacons or Rentalls aforesaid, or any Thing herein conteyned notwithstanding. AND FORASMUCH, as the good and prosperous Successe of the Plantacon of the saide Parties of Newe-England aforesaide intended by the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Ifaack Johnson, Samuell Alderfey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, to be speedily sett vpon, cannot but cheifly depend, next vnder the Blessing of Almighty God, and the support of our Royall Authoritie vpon the good Government of the same, To the Ende that the Affaires and Buysineses which from tyme to tyme shall happen and arise concerning the saide Landes, and the Plantation of the same maie be the better mannaged and ordered, WEE HAVE FURTHER hereby of our especial Grace, certain Knowledge and mere Mocon, Given, graunted and confirmed, and for Vs, our Heires and Successors, doe give, graunt, and confirme vnto our saide trustie and wel beloved subjects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Ifaack Johnson, Samuel Alderfey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel

Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft: AND for Vs, our Heires and Successors, Wee will and ordeyne, That the saide Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuell Alderfer, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencōed, shall from tyme to tyme, and att all tymes forever hereafter be, by Virtue of theis presents, one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Mattachusetts Bay in Newe-England, and them by the Name of the Governour and Company of the Mattachusetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for Us, our Heires and Successors, make, ordeyne, constitute, and confirme by theis Presents, and by that Name they shall have perpetuall Succession, and that by the same Name they and their Successors shall and maie be capeable and enabled as well to implead, and to be impleaded, and to prosecute, demandaund, and aunswere, and be aunswared vnto, in all and singuler Suites, Causes, Quarrells, and Accons, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the same to lease, graunt, demise, alien, bargaine, sell, and dispose of, as other our liege People of this our Realme of England, or any other Corporacon or Body politique of the same may lawfully doe. AND FURTHER, That the said Governour and Companye, and their Successors, maie have forever one comon Seale, to be vsed in all Causes and Occasions of the said Company, and the same Seale may alter, chaunge, breake, and newe make, from tyme to tyme at their pleasures. And our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and graunte, That from henceforth forever, there shalbe one Governor, one Deputy Governor, and eightene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company, for the tyme being, in such Manner and Forme as hereafter in theis Presents is expressed, which said Officers shall applie themselver to take Care for the best disposing and ordering of the generall buyssines and Affaires of, for, and concerning the said Landes and Premisses hereby mencōed to be graunted, and the Plantacon thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleasure and Graunte in this Behalf, WEE doe, by theis presents, for Vs, our Heires and Successors, nominate, ordeyne, make, and constitute, our welbeloved the said Mathewe Cradocke,

Cradocke, to be the first and present Governor of the said Company, and the said Thomas Gosse, to be Deputy Governor of the said Company, and the said Sir Richard Saltonstall, Isaac Johnson, Samuel Aldersey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increase Noell, Richard Pery, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Brown, George Foxcroft, William Vassall, and William Pinchion, to be the present Assistants of the said Company, to continue in the said several Offices respectivelie for such tyme, and in such manner, as in and by theis Presents is hereafter declared and appointed. AND FURTHER, Wee will, and by theis Presents, for Vs, our Heires and Successors, doe ordeyne and graunte, That the Governor of the said Company for the tyme being, or in his Absence by Occasion of Sicknes or otherwise, the Deputie Governor for the tyme being, shall have Authoritie from tyme to tyme upon all Occasions, to give order for the assembling of the said Company, and calling them together to consult and advise of the Busineses and Affaires of the said Company, and that the said Governor, Deputie Governor, and Assistants of the said Company, for the tyme being, shall or maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seven or more Persons of the Assistants, together with the Governor, or Deputie Governor soe assembled, shalbe said, taken, held, and reputed to be, and shalbe a full and sufficient Courte or Assemblie of the said Company, for the handling, ordering, and dispatching of all such Buysineses and Occurrents as shall from tyme to tyme happen, touching or concerning the said Company or Plantacon; and that there shall or maie be held and kept by the Governor, or Deputie Governor of the said Company, and seven or more of the said Assistants for the tyme being, vpon every last Wednesday in Hillary, Easter, Trinity, and Michas Termes respectivelie forever, one greate generall and solemne assemblie, which foure general assemblies shalbe stiled and called the four greate and generall Courts of the said Company; IN all and every, or any of which said greate and generall Courts soe assembled, WEE DOE for Vs, our Heirs and Successors, give and graunte to the said Governor and Company, and their Successors, That the Governor, or in his Absence, the Deputie Governor of the said Company for the tyme being, and such of the Assistants and Freemen of the said Company as shalbe present, or the greater number of them so assembled, whereof the Governor or Deputie Governor and six of the Assistants at the least to be seven, shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admit; and to elect and constitute such Officers as they shall thinke fitt and requisite, for the ordering, manning, and dispatching of the Affaires of the said Governor and Company, and their Successors;

And.

And to make Lawes and Ordinances for the Good and Welfare of the faide Company, and for the Government and ordering of the faide Landes and Plantacon, and the People inhabiting and to inhabite the same, as to them from tyme to tyme shall be thought meete, foe as such Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Realme of England. AND, our Will nd Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, establiſh and ordeyne, That yearely, once in the Yeare, for ever hereafter, namely, the laſt Wedneſday in Eaſter Tearme, yearely, the Governor, Deputy-Governor, and Aſſiſtants of the faide Company and all other Officers of the faide Company ſhall be in the Generall Court or Aſſembly to be held for that Day or Tyme, newly choſen for the Yeare enſueing by ſuch greater Parte of the ſaid Company, for the Tyme being, then and there preſent, as is aforeſaide. AND, if it ſhall happen the preſent governor, Deputy-Governor, and aſſiſtants, by theiſ preſents appointed, or ſuch as ſhall hereafter be newly choſen into their Roomes, or any of them, or any other of the Officers to be appointed for the ſaid Company, to dye, or to be removed from his or their ſeverall Offices or Places before the faide generall Day of Eleccion (whome We doe hereby declare for any Miſdemleanor or Defect to be removeable by the Governor, Deputie-Governor, Aſſiſtants, and Company, or ſuch greater Parte of them in any of the publique Courts to be aſſembled as is aforeſaid) That then, and in every ſuch Caſe, it ſhall and maie be lawfull, to and for the Governor, Deputie-Governor, Aſſiſtants, and Company aforeſaide, or ſuch greater Parte of them foe to be aſſembled as is aforeſaide, in any of their Aſſemblies, to procede to a new Eleccion of one or more others of their Company in the Roome or Place, Roomes or Places of ſuch Officer or Officers foe dyeing or removed according to their Diſcrecons, And, ymedietely vpon and after ſuch Eleccion and Eleccions made of ſuch Governor, Deputie-Governor, Aſſiſtant or Aſſiſtants, or any other Officer of the faide Company, in Manner and Forme aforeſaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie-Governor, or other Officer and Officers foe removed, in whoſe Steade and Place newe ſhall be foe choſen, as to him and them, and everie of them, ceaſe and determyne. PROVIDED alſo, and our Will and Pleaſure is, That as well ſuch as are by theiſ Preſents appointed to be the preſent Governor, Deputie-Governor, and Aſſiſtants of the ſaid Company, as thoſe that ſhall ſucceed them, and all other Officers to be appointed and choſen as aforeſaid, ſhall, before they vndertake the Execucon of their faide Offices and Places reſpectivelie, take their Corporal Oathes for the due and faithfull Performance of their Duties in their ſeverall Offices and Places, before ſuch Perſon or Perſons as are by theiſ Preſents herevnder appointed to take and receive the ſame; That is to ſaie, the faide Mathewe Cradock, whoe is hereby nominated and appointed the preſent Governor of the faide Company, ſhall take the faide Oathes before one or more of the Maſters of our Courte of Chaun-

every for the Tyme being, vnto which Master or Masters of the Chauncery, Wee doe by theis Presents give full Power and Authoritie to take and adminiter the said Oathe to the said Governor accordinglie: And after the saide Governor shalbe soe sworne, then the said Deputy-Governor and Assilants, before by theis Presents nominated and appointed, shall take the said severall Oathes to their Offices and Places respectivelie belonging, before the said Mathew Cradock, the present Governor, soe formerlie sworne as aforesaide. And every such Person as shali be at the Tyme of the annuall Eleccion, or otherwise, vpon Death or Removall, be appoiated to be the newe Governor of the said Company, shall take the Oathes to that Place belonging, before the Deputy-Governor, or two of the Assilants of the said Company at the least, for the Tyme being: And the newe elected Deputie-Governor and Assilants, and all other officers to be hereafter chosen as aforesaide from Tyme to Tyme, to take the Oathes to their places respectivelie belonging, before the Governor of the said Company for the Tyme being, vnto which said Governor, Deputie-Governor, and assilants, Wee doe by theis Presents give full Power and Authoritie to give and administer the said Oathes respectively, according to our true Meaning herein before declared, without any Comission or further Warrant to be had and obteyned of Vs, our Heires or Successors, in that Behalf. AND, Wee doe further, of our especial Grace, certen Knowledge, and meere mocon, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors for ever by theis Presents, That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatsoever, to take, leade, carry, and transport, for and into their Voyages, and for and towards the said Plantacon in Newe England, all such and soe many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the same Voyages and Plantacon; and also Shipping, Armour, Weapons, Ordinance, Municon, Powder, Shott, Corne, Victualls, and all Manner of Clothing, Implements, Furniture, Beastes, Cattle, Horses, Mares, Marchandizes, and all other Things necessarie for the saide Plantacon, and for their Vse and Defence, and for Trade with the People there, and in passing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wise notwithstanding; and without payeing or yeilding any Custome or Subsidie, either inward or outward, to Vs, our Heires or Successors, for the same, by the Space of seaven Yeares from the Day of the Date of theis Presents. PROVIDED, that none of the saide Persons be such as shalbe hereafter by especiall Name restrayned by Vs, our Heires or Successors. AND, for their further Encouragement, of our especiall Grace and Favor, Wee doe by theis Presents, for Vs, our Heires and Successors, yeild and graunt to the saide Governor and Company, and their Successors, and every of them, their Factors and

Assignes, That they and every of them shalbe free and quitt from all Taxes, Subsidies, and Customes, in Newe England, for the like Space of seaven Yeares, and from all Taxes and Imposicons for the Space of twenty and one Yeares, vpon all Goodes and Merchandizes at any Tyme or Tymes hereafter, either vpon Importacon thither, or Exportacon from thence into our Realme of England, or into any other our Dominions by the said Governor and Company, and their Successors, their Deputies, Factors, and Assignes, or any of them; EXCEPT onelie the five Poundes per Centum due for Custome vpon all such Goodes and Merchandizes as after the saide seaven Yeares shalbe expired, shalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Poundes per Centum onlie being payde, it shall be thenceforth lawfull and free for the said Adventurers, the same Goodes and Merchandizes to export and carry out of our said Domyinions into forraigne Partes, without any Custome, Tax, or other Dutie to be paid to Vs, our Heires or Successors, or to any other Officers or Ministers of Vs, our Heires and Successors. PROVIDED, that the said Goodes and Merchandizes be shipped out within thirteene Monethes, after their first Landing within any Parte of the saide Domyinions. AND, Wee doe for Vs, our Heires and Successors, give and graunte vnto the saide Governor and Company, and their Successors, That whensoever, or soe often as any Custome or Subsidie shall growe due or payable unto Vs, our Heires, or Successors, according to the Lymittacon and Appointment aforesaide, by Reason of any Goodes, Wares, or Merchandizes to be shipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the said Partes of Newe England hereby mencoed to be graunted as aforesaide, or any the Landes or Territories aforesaide, That then, and soe often, and in such Case, the Farmers, Customers, and Officers of our Customes of England and Ireland, and every of them for the Tyme being, vpon Request made to them by the saide Governor and Company, or their Successors, Factors, or Assignes, and vpon convenient Security to be given in that Behalf, shall give and allowe vnto the said Governor and Company, and their Successors, and to all and everie Person and Persons free of that Company, as aforesaide, fix Moneths Tyme for the Payment of the one halfe of all such Custome and Subsidy as shalbe due and payable vnto Vs, our Heires and Successors, for the same; for which theis our Letters-patents, or the Duplicate, or the Inrollement thereof, shall be vnto our saide Officers a sufficient Warrant and Discharge. NEVERTHELES, our Will and Pleasure is, That yf any of the saide Goodes, Wares, and Merchandize, which be, or shalbe at any Tyme hereafter landed or exported out of any of our Realmes aforesaide, and shalbe shipped with a Purpose not to be carried to the Partes of Newe England aforesaide, but to some other place, That then such Payment, Dutie, Custome, Imposicon, or Forfeiture, shalbe payed, or be-
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longe to Vs, our Heires and Successors, for the saide Goodes, Wares, and Merchandize, soe fraudulently fought to be transported, as yf this our Graunte had not benn made nor graunted. AND, Wee doe further will, and by theis Presents, for Vs, our Heires and Successors, firmlic enioyne and comaunde, as well the Trea-surer, Chauncellor and Barons of the Exchequer, of Vs, our Heires and Successors, as also all and singular the Customers, Farmers, and Collectors of the Customs, Subsidies, and Impost, and other the Officers and Ministers of Vs, our Heires and Successors whatsoever, for the Tyme being, That they and every of them, vpon the shewing forth vnto them of theis Letters-patents, or the Duplicate or Exemplificacon of the same, without any other Writt or Warrant whatsoever from Vs, our Heires or Successors, to be obteyned or sued forth, doe and shall make full, whole, entire, and due Allowance, and cleare Discharge vnto the saide Governor and Company, and their Successors, of all Customs, Subsidies, Imposts, Taxes and Duties whatsoever, that shall or maie be claymed by Vs, our Heires and Successors, of or from the said Governor and Company, and their Successors, for or by Reason of the said Goodes, Chattels, Wares, Merchandizes, and Premisses to be exported out of our saide Domynions, or any of them, into any Parte of the saide Landes or Premisses hereby mencōed, to be given, graunted, and confirmed, or for, or by Reason of any of the saide Goodes, Chattells, Wares, or Merchandizes to be imported from the said Landes and Premisses hereby mencōed, to be given, graunted, and confirmed into any of our saide Dominions, or any Parte thereof as aforefaide, excepting onlie the saide five Poundes per Centum hereby reserved and payable after the Expiracon of the saide Tearme of seaven Yeares as aforefaid, and not before: And theis our Letters-patents, or the Inrollement, Duplicate, or Exemplificacon of the same shalbe for ever hereafter, from time to tyme, as well to the Treaforer, Chauncellor and Barons of the Exchequer of Vs, our Heires and Successors, as to all and singular the Customers, Farmors, and Collectors of the Customs, Subsidies, and Imposts of Vs, our Heires and Successors, and all Searchers, and other the Officers and Ministers whatsoever of Vs, our Heires and Successors, for the Tyme being, a sufficient Warrant and Discharge in this Behalf. AND, further our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and declare, and graunte to the saide Governor and Company, and their Successors, That all and every the Subiects of Vs, our Heires or Successors, which shall goe to and inhabite within the saide Landes and Premisses hereby mencōed to be graunted, and everie of their Children which shall happen to be borne there, or on the Seas in goeing thither, or retorning from thence, shall have and enioy all liberties and Immunities of free and naturall Subiects within any of the Domynions of Vs, our Heires, or Successors, to all Intents, Construccions, and Purposes whatsoever, as yf they and everie of them were borne

within the Realme of England. And that the Governor and Deputie-Governor of the said Company for the Tyme being, or either of them, and any two or more of such of the saide Assistants as shalbe therevnto appointed by the saide Governor and Company at any of their Courts or Assemblies to be held as aforesaide, shall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authority to minister and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Person and Persons, which shall at any Tyme or Tymes hereafter goe or passe to the Landes and Premisses hereby mencōed to be graunted to inhabite in the same. AND, Wee doe of our further Grace, certain Knowledge and meere Mocon, give and graunte to the saide Governor and Company, and their Successors, That it shall and maie be lawfull, to and for the Governor or Deputie-Governor, and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially fumoned and assembled for that Purpose, or the greater Parte of them (whereof the Governor or Deputie-Governor, and six of the Assistants to be alwaies seaven) from tyme to tyme, to make, ordeine, and establish the all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordinances, Direccions, and Instruccions, not contrarie to the Lawes of theis our Realme of England, as well for setting of the Formes and Ceremonies of Government and Magistracy, fitt and necessary for the said Plantacon, and the Inhabitants there, and for nameing and setting of all Sortes of Officers, both superior and inferior, which they shall finde needefull for that Governement and Plantacon, and the distinguishing and setting forth of the severall duties, Powers, and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shalbe respectivelie ministred vnto them for the Execucon of the said severall Offices and Places; as also, for the disposing and ordering of the Eleccions of such of the said Officers as shalbe annuall, and of such others as shalbe to succede in Case of Death or Removeall, and ministring the said Oathes to the newe elected Officers, and for Imposicons of lawfull Fynes, Mults, Imprisonment, or other lawfull Correccion, according to the Course of other Corporacons in this our Realme of England, and for the directing, ruling, and disposing of all other Matters and Thinges, whereby our said People, Inhabitants there, may be for religiously, peaceable, and civilly governed, as their good Life and orderly Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall Intencon, and the Adventurers free Profession, is the principall Ende of this Plantacion. WILLING, comaunding, and requiring, and by theis Presents for Vs, our Heires, and Successors, ordeyning and appointing, that all such Orders, Lawes, Statuts,

Statuts and Ordinnces, Instrucons and Direcons, as shalbe foe made by the Governor, or deputie Governor of the saide Company, and such of the Assistants and Freemen as aforeseide, and published in Writing, vnder their comon Seale, shalbe carefullie and dulle observed, kept, performed, and putt in Execucion, according to the true Intent and Meaning of the same; and theis our Letters-patents, or the Duplicate or Exemplificacon thereof, shalbe to all and everie such Officers, superior and inferior, from Tyme to Tyme, for the putting of the same Orders, Lawes, Statutes, and Ordinnces, Instrucons, and Direcons, in due Execucion against Vs, our Heires and Successors, a sufficient Warrant and Discharge. AND WEE DOE further, for Vs, our Heires and Successors, give and graunt to the said Governor and Company, and their Successors by theis Presents, that all and everie such Chiefe Comaunders, Captaines, Governors, and other Officers and Ministers, as by the said Orders, Lawes, Statuts, Ordinnces, Instrucons, or Direcons of the said Governor and Company for the Tyme being, shalbe from Tyme to Tyme hereafter ymployed either in the Government of the saide Inhabitants and Plantacon, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places respectively, shall from Tyme to Tyme hereafter for ever, within the Precincts and Partes of Newe England hereby mencoed to be graunted and confirmed, or in the Waie by Sea thither, or from thence, have full and absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subiects of Vs, our Heires and Successors, as shall from Tyme to Tyme adventure themselves in any Voyage thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precincts and Partes of Newe England aforeseid, according to the Orders, Lawes, Ordinnces, Instrucons, and Direcons aforeseid, not being repugnant to the Lawes and Statutes of our Realme of England as aforeseid. AND WEE DOE further, for Vs, our Heires and Successors, giue and graunte to the said Governor and Company, and their Successors, by theis Presents, that it shall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and Officers of the said Company for the Tyme being, who shall be resident in the said Parte of Newe England in America, by theis Presents graunted, and others there inhabiting by their Appointment and Direcon, from Tyme to Tyme, and at all Tymes hereafter for their speciall Defence and Safety, to encounter, expulse, repell, and resist by Force of Armes, as well by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, all such Person and Persons, as shall at any Tyme hereafter, attempt or enterprise the Distruccon, Invasion, Detriment, or Annoyance to the said Plantacon or Inhabitants, and to take and surprise by all Waies and Meanes whatsoever, all and every such Person and Persons, with their Shiippes, Armour, Municon, and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantacon, or the Hurt of the said Company and Inhabitants: NEVERTHELES, our Will and Plea-

sure is, and Wee doe hereby declare to all Christian Kinges, Princes and States, that yf any Person or Persons which shall hereafter be of the said Company or Plantacon, or any other by Lycense or Appointment of the said Governor and Company for the Tyme being, shall at any Tyme or Tymes hereafter, robb or spoyle, by Sea or by Land, or doe any Hurt, Violence, or unlawfull Hostilitie to any of the Subiects of Vs, our Heires or Successors, or any of the Subiects of any Prince or State, being then in League and Amytie with Vs, our Heires and Successors, and that upon such iniury don and vpon iust Complaint of such Prince or State or their Subiects, WEE, our Heires and Successors shall make open Proclamacon within any of the Partes within our Realme of England comodious for that Purpose, that the Person or Persons haveing comited any such Robery or Spoyle, shall within the Terme lymitted by such a Proclamacon, make full Restitucon or Satisfaccon of all such Iniures don, soe as the said Princes or others soe complainyng, may hould themselves fullie satisfied and contented; and that yf the said Person or Persons, haveing comitted such Robbery or Spoile, shall not make, or cause to be made Satisfaccon accordinglie, within such Time soe to be lymyted, that then it shalbe lawfull for Vs, our Heires and Successors, to putt the said Person or Persons out of our Allegiance and Protecccon, and that it shalbe lawfull and free for all Princes to prosecute with Hostilitie, the said Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED also, and our expresse Will and Pleasure is, and Wee doe by theis Presents for Vs, our Heires and Successors ordeyne and appoint that theis Presents shall not in any manner envre, or be taken to abridge, barr, or hinder any of our louing Subiects whatsoever, to vse and exercise the Trade of Fishing vpon that Coast of New England in America, by theis Presents mencoed to be graunted; but that they, and every, or any of them, shall have full and free Power and Liberty to continue and vse their said Trade of Fishing vpon the said Coast, in any the Seas thereunto adioyning, or any Armes of the Seas or Salt-water Rivers where they have byn wont to fishe, and to build and sett vp upon the Landes by theis Presents graunted, such Wharfes, Stages, and Worke houses as shalbe necessarie for the salting, drying, keeping, and packing vp of their Fish, to be taken or gotten vpon that Coast; and to cutt down, and take such Trees and other Materialls there groweing, or being, or shalbe needefull for that Purpose, and for all other necessarie Easements, Helpes, and Advantage concerning their said Trade of Fishing there, in such Manner and Forme as they have byn heretofore at any tyme accustomed to doe, without making any wilfull Wasse or Spoyle, any Thing in theis Presents conteyned to the contrarie notwithstanding. AND WEE DOE further, for Vs, our Heires and Successors, ordeyne and graunte to the said Governor and Company, and their Successors

cessors by theis Presents, that theis our Letters-patents shalbe firme, good, effectuell, and available in all Things, and to all Intents and Construccions of Lawe, according to our true Meaning herein before declared, and shalbe construed, reputed, and adjudged in all Cases most favourable on the Behalf, and for the Benefit and Bechoofe of the saide Governor and Company and their Successors: ALTHOUGH expresse mention of the true yearly Value or certenty of the Premisses or any of them, or of any other Guiftes or Grauntes, by Vs or any of our Progenitors or Predecessors to the aforefaid Governor or Company before this tyme made, in theis Presents is not made; or any Statute, Aste, Ordinnce, Provision, Proclamacon, or Restrainte to the contrarie thereof, heretofore had, made, published, ordeyned, or provided, or any other Matter, Cause, or Thing whatsoever to the contrarie thereof in any wise notwithstanding.

IN WITNESS whereof, Wee have caused theis our Letters to be made Patents.

WITNES our self, at Westminster, the fourth day of Marche, in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo.

WOLSELEY.

Prædictus Matthæus Cradocke Juratus est de Fide et Obedientia Regi et Successoribus suis, et de Debita Exequutione Officij Gubernatoris iuxta Tenorem Præsentium, 18^o Martii, 1628. Coram me Carolo Cæsare Milite in Cancellaria Mro.

CHAR. CÆSAR.

The Great Seal of England appendant by a party-coloured silk string.

A true Copy of the Original.

Attest,

JOHN AVERY, D. SEC.

COPY

COPY of a LETTER to Captain JOHN ENDECOTT, from "the Governor and Deputy of the New-England Company for a Plantation in Massachusetts-Bay."

[Records of Suffolk County, Massachusetts, Lib. No. 1. Fo. 7.]

Laus Deo, in Gravefend, the 17th of Aprill, 1629.

LOVING Friends, Wee hartlylie salute you. Wee have received Letter of the 13th of September, by which wee take Notice of your safe Arrivall, blessing God for it. Wee have formerly requested Mr. Cradock, our Governor to wryte you of the Receipt thereof, and give advice how wee purposed to proceed in seting forward our Plantacon; whose Letters, if they bee come to your Handes, (as wee hope they are) will put Lyfe into your Affaires, and encourage you to provide for the Entertainment of such as are now coming.

Since your Departure wee have for the further strengthening of our Graunt from the Councell at Plymouth, obtained a Confirmacon of it from his Majesty by his Letters-patents vnder the broad Seale of England, by which said Letters-patents wee are incorporated into a body polittique, with ample Power to governe and rule all his Majesty's Subiects that reside within the Limitts of our plantacon, as by the Duplicate therof. vnder the broad Seale, which wee have delivered to Mr. Sharpe to be delivered to you, doth fully appeare.

And for that the propagating of the Gosple is the Thing wee do profess about all to bee our Ayme in setling this Plantacon, wee have bin carefull to make plentyfull provision of Godly Ministers, by whose faithfull preachinge, Godly Conversacon, and exemplary Lyfe, wee trust not only those of our owne Nation wilbe built vp in the Knowledge of God, but also the Indians may, in God's appointed tyme, bee reduced to the Obedyence of the Gosple of Christ; one of them is well knowne to yourselfe, viz. Mr. Skelton, whom wee have the rather desired to beare a part in this Worke, for that wee are informed your selfe hath formerly received much Good by his Ministry; he cometh in the George Bonaventure, Mr. Thomas Cox: Another is Mr. Higgeson, a graue Man, and of worthy Commendacons; hee cometh in the Talbot: The Third is Mr. Bright, sometymes trained vpp vnder Mr. Davenport, who cometh in the Lyon's Whelp. Wee pray you accommodate them all with Necessaries as well as you may; and in convenient Tyme lett there bee Houses built them according to the Agreement wee have made with them, Coppyes wherof, as of all others, wee have entertained, shalbe sent you by the next Shippes Tyme not permitting

it now, wee doubt not but these Gentlemen, your Ministers, will agree lovingly together, for cherishing of Love betwixt them, wee pray you carry your selfe impartiall to all: For the Manner of the exercising their Ministrie, and teaching both our owne People and the Indians, wee leave that to themselves, hoping they will make God's Word the Rule of their Acccons, and mutually agree in the Discharge of their Duties; and because their Doctrine will hardly bee well esteemed whose persons are not revered, wee desire that both by your owne Example, and by commanding all others to doe the like, our Ministers may receive due Honor.

Wee haue in Prosecution of that good Opinion wee haue alwayes had of you, confirmed you Governor of our plantacon, and ioyned in Comission with you the three Ministers, namely, Mr. Francis Higgonson, Mr. Samuel Skelton, and Mr. Francis Bright, also Mr. John and Mr. Samuel Browne, Mr. Thomas Graves, and Mr. Samuel Sharpe, and for that wee haue ordered, that the Body of the Government there shall consist of 13 persons, wee are content the old Planters that are now there within our Plantacon and Lymitts thereof, shall chose two of the discreetest and iudiciall Men from amongst themselves to bee of the Government, that they may see wee are not wanting to give them fitting Respect in that wee would haue their consent (if it may bee) in making wholesome Constitucons for Government. Alwayes provyded, that none shalbe chosen, or meddle in their choice but such as will live amongst Vs and conforme themselves to our Government: But if they shall refuse to performe this our Direcon, then wee hereby authorize you and those nominated to be of the Councell aforesaid, to nominate and elect two such Men as in your Opinions you shall hold meeete for that place and Office, and for the other three, which will be wanting to make vpp the full number of 13 (which we have stiled the Councell of the Mattachufetts Bay) wee hereby authorise * with the aforesamed seaven Persons, to chuse and nominate them out of the whole Body of the Companie, as well of those that are there, as of those that are to come now, not doubting but all Partialitie sett apart, you will make choice of such Men as may be most vsfull and careful to the general good of our Plantacon.

And that it may appeare as well to all the Worlde, as to the old Planters themselves, that wee seek not to make them Slaves, as it seemes by your Letter some of them thinke themselves to bee become by meanes of our Patent, wee are content they shall be Partakers of such Priviledges, as wee, from his Majesty's espetiall Grace, with great Cost, Fauor of Personages of Note, and much Labor, have obtained; and that they shalbe incorporated into this Socyetic, and enioy not only

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those

* I suppose *you* is wanting here.

those Lands which formerly they have manured, but such a further Proporcon, as by th'Advice and Judgment of your selfe, and the rest of the Councell, shalbe thought fitt for them, or any of them. And besides it is still our Purpose, that they should have some Benefitt by the comon Stock, as was by your first Commission directed and appointed, with this Addicon, that if it bee held too much to take 30 per Cent, and the Freight of the Goods, for, and in Consideracon of our Adventure, and Disbursement of our Moneyes, to be paid in Bevor at 6s. per lb. that you moderate the said Rate, as you, with the rest of the Cou shall thinke to bee agreeable to Equitie and good Conscience; and our further Orders is, that none be Partakers of any the aforesaid Priuiledges and Profitts, but such as be peaceable Men, and of honest Lyfe and Conuerfacon, and desirous to live amongst vs, and conforme themselves to good Order and Gouvernment.

And as touching the old Planters, their earnest Desire for the present to continue the planting of Tobacco, (a Trade by this whole Companie generally disfavoured, and vterly disclaymed by some of the greatest Adventurers amongst Vs, who absolutely declared themselves vnwilling to haue Hand in this Plantacon, if Wee intended to cherish or permit the planting thereof, or any other kinde, then for a Man's private Vse for meere Necessitie; Wee are of opinion the old Planters will haue small Encouragement to that Employment, for wee finde heere by late Experience, that it doth hardly produce the Freight and Custome, neither is there Hope of Amendment, there being such great Quantities made in other Places, that ere long it is like to be little worth; Nevertheless if the old Planters (for wee exclude all others) conceive that they cannot otherwise provyde for their Livelyhood, wee leave it to the Discrecon of your selfe and the Councell there, to give way for the present to their planting it in such Manner, and with such Restricons, as you and the said Councell shall thinke fittinge, having an espetiall Care with as much convenyencie as may bee, vterly to suppress the planting of it (except for meere Necessitie), but however, Wee absolutely forbid the sale of it, or the Vse of it by any of our owne or particuler Men's Servants vnles vpon vrgent Occasion, for the Benefitt of Health, and taken privately.

Mr. John Oldham came from New England not long before your Arrivall there, by whom wee have had noe small Distraccon in our Busines, having been cast behinde at the least two Months Tyme in our Voyage, through the Varyetie of his vast Concepts of extraordinary Gaine of 3 for one propounded to vs, to be made and raised in 3 Yeares, if hee might haue the Managinge of our Stock, preferring to bee contented for his owne Employment, soe hee might have the overplus of the Gaines; with whom, after long Tyme spent in sundry Treatyes, finding him a Man altogether vnfit for vs to deale with, wee have at last left him to his owne Way: And as wee are informed, hee, with some others, are provyding a Vessell, and is mynded

mynded, as soon as he can dispatch, to come for New England, pretending to settle himselfe in Mattachusetts-Bay; clayming a Title and Right, by a Grant from Sir Ferdinando Gorges Sonne, which wee are well satisfied, by good Councell, is voyde in Lawe. He will admitt of noe Termes of Agreement, vnles we will leaue him at libertie to trade for Beavor with the Natives, which wee deny to the best of our owne Planters; nether is hee satisfied to trade himselfe with his owne Stock and Meanes, which wee conceive is soe small that it would not much hinder vs, but hee doth interest other men, who for ought wee knowe are never likely to be beneficiall to the planting of the country, their owne particuler Profitts (though to the overthrowe of the generall Plantacon) being their chiefe Ayme and Intent: Now, as wee shall unwillingly doe any Act in debarringe suche as were inhabitants before vs of that Trade, as in Conscience they ought to enioy, soe shall we as vnwillingly permit any to appropriate that to their owne private Lucar, which we in our religious Intencons have dedicated to the common Charge of Building houses for God's Worshipp, and Forts to defend such as shall come thither to inhabite. Wee feare, that as he hath bin obstinate and violent in his Opinions heere, soe hee will persist, and bee ready to drawe a Partie to himselfe there, to the great Hindrance of the common Quiett; wee have therefore thought fitt to give you Notice of his Disposicion, to the end, you may beware how you meddle with him, as also that you may vse the best Meanes you can to settle an Agreement with the old Planters soe as they may not harken to Mr. Oldham's dangerous though vaine Propositions: Wee fynde him a Man soe affected to his owne Opinion as not to be removed from it, neither by Reason nor any Perswasion; and, vnles he may beare sway, and haue all Things carried to his good Likeinge, we haue little Hope of Quiett or comfortable Subsistence where hee shall make his Abode; and, therefore, if you shall see iust Cause, wee hereby require you and the Councell there, to exercise that Power wee haue, and our Preuiledges will beare vs out in it, to suppress a Mischiefe before it take too great a Heade, not that wee would wrong him, or any Man that will live peaceably within the Limitts of our Plantacon. But, as the Preseruacion of our Preuiledges will chiefly depend (vnder God) vpon the first Foundacon of our Gouernment, soe if we suffer soe great an Affront as wee fynde is intended towards vs, by the Proceedings of Mr. Oldham, and his Adherents, in our first Beginnings, wee may be sure they will take Hart and bee emboldned to doe vs a farr greater iniurie hereafter; and therefore wee pray you and the Councell there, to aduise seriously together for the Maintenance of our Preuiledges and peaceable Gouernment, which, if it may be done by a temprate Course, wee much desire it, though with some Inconueniency, soe as our Gouernment and Preuiledges be not brought in Contempt, wishing rather there might be such an Vnion as might drawe the Heathen by our good Example to the Embracing of Christ and his Gospell, then

that Offence should bee given to the Heathen, and a Scandall to our Religion through our Disagreement amongst ourselues, but if necessitie require a more seuerer Course, when faire Meanes will not preuaile; wee pray you to deale, as in your Discrecons you shall thinke fittest for the generall Good and Safety of the Plantacon and Preferuacion of our Preuiledges. And because wee would not omit to doe any Thing which might strengthen our Right, wee would haue you (as soone as these Shippes, or any of them arrive with you, wherby you may have Men to do it; send 40 or 50 Persons to Mattachufetts-Bay to inhabite there, which wee pray you not to protract, but to doe it with all Speede; and if any of our Company in particuler shall desire to settle themselues there, or to send Servants thither, wee desire all Accomodacon and Encouragment may be given them therevnto, wherby the better to strengthen our Possession there against all or any that shall intrude vpon vs, which wee would not haue you by any Meanes to give Way vnto; with this Caution notwithstanding, That for such of our Countrymen as you finde there planted, soe as they bee willing to liue vnder Gouernment, you endeavor to giue them all fitting and due Accomodacon as to any of ourselues; yea, if you see Cause for it, though it bee with more than ordinarie Preuiledges in Point of Trade.

Mr Ralph Smith, a Minister, hath desired passage in our Shippes, which was granted him before wee vnderstood of his difference in Judgment in some Things from our Ministers, but his Provisions for his Voyage being shipt before notice was taken thereof, through many Occasions, wherewith those intrusted with this Busines have been employed, and forasmuch as from hence it is feared there may grow some Distraccon amongst you, if there should bee any syding, though wee have a very good Opinion of his Honestie, yet Wee shall not hope offend in Charitie, to fear the worst that may grow from their different Judgments; Wee have therefore thought fitt to give you this Order, that vnles hee wilbe conformable to our Government, you suffer him not to remain within the Limitts of our Graunt.

Wee take Notice that you desire to haue Frenchmen sent you that might bee experienced in making of Salt and planting of Vynes: Wee have enquired diligently for such, but cannot meete with any of that Nation; nevertheless, God hath not left vs altogether vnprovided of a Man able to vndertake that Worke, for that, wee have entertained Mr. Thomas Groves, a Man commended to vs as well for his Honestie, as Skill in many Things very vsfull; first hee professeth great Skill in the making of Salt, both in Ponds and Panns, as also to finde out Salt Springs or Mynes; secondly, hee is well seene in Mynes and Mineralls, especially about Iron Ore and Iron Workes; thirdly, hee is able to make any Fortifications; fourthly, hee is well able to surueigh and sett forth Lands, hee hath bin a Traveller in diuers Forraigne Parts to gaine his Experience; therefore wee pray you take his Advice touching the Premises, and where you intend to sit down in, to fortifie and build

a Towne that it may bee qualified for good Ayer and Water, according to your first Instruccions, and may have as much naturall Helpe as may bee, wherby it may with the lesse Labor and Cost bee made fitt to resist an Enemie; for soone as you have made tryall of his Sufficiencie, wryte us your Opinion how long you conceive it wilbe fitt for Vs to continue him in our Service, for that hee is tyed to serve Vs one whole Yeare absolutely, and two Yeares more if wee should give him Order to stay there for long, for wee hope to receive your Advice tyme enough to giue him Order to stay out full 3 Yeares, or to come Home at the End of one Yeare: his Salary costs this Company a great Some of Money, besides which, (if hee remaine with Vs) the transporting of his Wyfe, and building him a House, wilbe very chargeable, which wee pray you take into your Consideracon, that for wee may continue or surcease this Charge as Occasion shall require.

In our next, wee intend to send you a particuler of such as are to haue Land allotted and sett out vnto them, that for you may appoint vnto each Man an equal Proportion by Lott, according to what is to be allowed in the first Devident, touching which, wee shall then giue you more large Instruccions; meane while, for such as haue sent over Servants and Cattle in these Shippes, and for such as haue more to come in two other Shippes, which wee hope wilbe ready to sett saile within ten Dayes, our Desire is, they should either bee accomodated at Nahumkecke, or in the Mattachusetts Bay, or in both Places, if they desire it, with all the Conuenyencie that may bee, and for such Grounds as shall be allotted vnto them, that the same bee conveyed vnto them, if they desire it, at any tyme within one Yeare after their entring vpon it, and to bee accounted as Part of their first Devident; but, if they shall dislike it at any tyme before a general Distribucion bee made by Lott to all the Adventurers, then they may haue Libertie to doe it, and take in Lieu thereof, as by Lott shall fall out amongst other priuate Adventurers.

Wee recomend vnto you Sir Richard Saltonstall and Mr. Isaack Johnson, who send over Servants and Cattle in these Shippes, desiring you will take care for their present Accomodacon as aforesaid; and as for them, for wee may not omit to pray you likewise to giue all good Accomodacon to our present Governor, Mr. Matthew Cradock, who with some particuler Brethren of our Company, haue deeply engaged themselves in their private Adventures in these Shippes and those to come; and as wee hold these Men that thus deeply adventure in their priuate, to bee (vnder God) speciall Instruments for the advancing and strengthening of our Plantacon, which is done by them without any Charge to the Company's generall Stock, wherein notwithstanding, they are as deepe or deeper engaged than any other, for being contented to bee debarred from all priuate trading in Furrs for 3 Yeares, wee doe hold it requisite in all other their Desires, to giue them all Accomodacon and Furtherance that reasonably may be propounded by them, or any for them, their
good

good Beginning in the Enfancie of our Plantacon, worthyly deserving of Vs all Favor and Furtherance.

Wee have caused a Comon Seale to be made, which wee send you by Mr. Sharpe.

If you want any Swyne, wee have agreed with those of New Plymouth, that they deliver you six Sowes with Pigg, for which they are to be allowed 9*℥*. in Accompt of what they owe vnto Mr. Goffe our Deputie; and for Goats, wee have bought 42 for the generall and particuler Mens' Accompts which shalbe sent you by these and the next Shippes, or at least wile soe many of them as they can conveyentie carrie.

Wee have followed your Advice and sent most of our Guns, Snaphance, Bastard Musket Bore; and wee haue also sent Store of Powder and Shott, Grayne for Seede, both Wheat, Barley, and Rye in the Chaff, &c. As for Fruit-Stones and Kernells, the tyme of the Year fits not to send them now, soe wee purpose to doe it per next. Tame Turkeyes shalbe now sent you if may bee, if not, per other Shippes; Wee are disappointed of the Provisions ordered to haue bin sent for your selfe and Mrs. Endecote, but God willing, they shall come by the next.

Wee have made our Servant's Apparrell of Cloth and Lether, which Lether is not of Oyle Skinns, for wee found them over deere; yett if this prove not profitable, upon your second Advice, Wee will send you Oyle Skinns.

For such of our Nation as sell Munition, Gunns, or other Furniture, to arme the Indians against Vs, or teach them the Use of Armes, wee would have you to apprehend them, and send Prisoners for England, where they will not escape severe Punishment, being expressely against the Proclamacon. You have had former Caution giuen you, of taking heede of beeing too secure in trusting the Indians, which wee againe comend to your Care, and that you may bee the better able to resist both Forraigne Enemies and the Natiues, if ether should assaile you, wee pray you lett all such as live under our Gouvernement, both our Servants, and other Planters and their Servants, bee exercised in the Use of Armes, and certain tymes appointed to muster them, in which Business Mr. Sharpe and Mr. Graves wilbe Assistant to you. Mr. Sharpe is by Vs entertained to bee Mr. Gunner of our Ordnance, in which Service he is to employ soe much of his tyme, as the Charge of that Office doth require; and in the rest, hee is to follow other Employments of our Governours and others, for whose Employment hee is particularly sent over.

Inclosed you shall receiue a Factory of such Provision of Victuall and other Necessaries as wee have sent for the generall Accompt, to which wee referr you, nothing doubting but you wilbe a provident Steward, to husband our Prouisions to the best Advantage. Wee also send you the particuler Names of such as are entertained for the Company's Service; amongst which wee hope you will fynde many re-

ligious, discrete, and well ordered Persons, which you must sett over the rest, de-
 vying them into Families, placing some with the Ministers, and others vnder such
 as beeing honest Men (and of their owne Calling as neere as may bee) may have Care
 to see them well educated in their generall Callings as Christians, and particuler ac-
 cording to their severall Trades, or fitnes in Disposicon to learn a Trade: And
 whereas amongst such a Number, (notwithstanding our Care to purge them) there
 may still remaine some Libertines, wee desire you to be carefull that such (if any
 bee) may bee forced, by inflicting such Punishment as their Offences may deserve,
 which is to be as neere as may bee, according to the Lawes of this Kingdome) to con-
 forme themselves to good Order, with whom, after Admonition giuen if they amend
 not, wee pray you proceede without Partialitie to punish them as the nature of their
 Fault shall deserve, and the like Courfe you are to hold both with Planters and their
 Servants, for all must liue vnder Gouvernement, and a like Lawe; and to the End
 you may not doe any Thing contrarie to Lawe, nor the Power graunted vs by his
 Majesties Lrēs-patents, we haue as aforesaid sent you the Lrēs-patents vnder the
 Greate Seale of England, ordering and requiring you and the rest of the Councell there,
 not to doe any Thinge, either in inflicting Punishment on Malefactors or otherwise,
 contrarie to, or in Derogacon of the said Lrēs-patents, but if Occasion require, wee
 authorise you and them to proceede according to the Power yov have; neuertheles,
 wee desire (if it may bee) that Errors may bee reformed with Lenitie, or mylde Cor-
 reccion, and if any prove incorrigable, and will not bee reclaimed by gentle Correc-
 con, Shipp such Persons home by the Lyons Whelpe, rather than keep them there
 to infect, or to be an Occasion of Scandall vnto others, wee being fully perswaded,
 that if one or two be soe reshipped back, and Certificates sent home of their Misde-
 meanors, it wilbe a Terror to the rest, and a Meanes to reduce them to good Con-
 formitie; and above all, wee pray you bee carefull that there bee none in our Pre-
 cincts permitted to doe any iniurie (in the least kinde) to the Heathen People, and
 if any offend in that way, lett them receive due Coreccon; and wee hold it fitting
 you publish a Proclamacon to that Effect, by leaving it fixed vnder the Company's
 Seale in some eminent Place, for all to take Notice, at such Tyme, as both the Hea-
 then themselues, as well as our People, may take Notice of it; and for avoyding of
 the Hurt that may follow through our much Familiaritie with the Indians, wee
 conceive it fit that they bee not permitted to come to your Plantacon but at certaine
 Tymes and Places to be appointed them. If any of the Saluages pretend Right of In-
 heritance to all or any Part of the Lands graunted in our Patent, wee pray you en-
 deavor to purchase their Tittle, that we may avoyde the least Scruple of Intrusion.

We haue in the former Part of our Lrē cerryied you of the good Hopes wee
 haue of the Loue and vnanimus Agreement of our Ministers, they having declared
 themselves to be of one Judgment, to be fully agreed on the Manner how to exer-
 cise

else their Minefory, which wee hope wilbe by them accordingly performed; yett because it is often found that some busy Persons (led more by their Will then any good Warrant out of God's Word) take Opportunities by moving needlesse Questions to stirr vp Strife, and by that Way to begett a Question, and bring Men to declare some Difference in Judgment (most commonly in Things indifferēt), from which small Beginnings great Mischiefs have followed; wee pray you and the rest of the Councell, that if any such Disputes should happen amongst you, that you suppress them, and bee carefull to maintaine Peace and Vnity.

Wee desire you to take Notice of one Lawrence Leech, whom wee have found a carefull and painfull Man, and wee doubt not but hee will continue his Dilligence, lett him have deserving Respect; the like wee say of Richard Waterman, whose chiefe Employment wilbe to gett you good Venison.

We haue sent six Shipwrights, of whom Robert Molton is cheife; these Mens' Entertainment is very chargeable to vs, and by Agreement it is to bee borne, two-thirds at the Charge of the generall Companie, and the other third is to be borne by Mr. Cradock, our Gouvernor, and his Associatts, interessed in a priuate Stock: Wee hope you wilbe carefull to see them soe employed, as may countervaille the Charge, desiring you to agree with Mr. Sharpe, that their Labor may be employed two-thirds for the generall Companie, and one-third for Mr. Cradock and his Affotiates; praying you to accomodate the saide Mr. Crdocks's People in all fitting Manner as hee doth well deserve.

Such Cattle, both Horses, Mares, Cowes, Bulls, and Goats, as are shipp't by Mr. Cradock, are to be devyded in eqvall Halves twixt him and the Companie, which was omitted to be done heere, for avoyding Partialitie, soe you must doe it equally there.

Wee pray you to be carefu'l to make vs what Returnes you possibly may, the better to enable vs to send out a fresh Supply. Wee hope you have converted the Comodities you carryed with you for Truck, into Beavor, Otter, or other Furrs, which wee pray you send us by the Talbott, as also any other Comodities you have provided in Readynesse against the Shipp's coming thither; but pray doe not detainee her any long Tyne to cut Tymber, or any other grofs Ladinge, for she is at 150*l*. a Month Charges, which will soone eate out more then the Goods she should stay for is worth; wherefore, pray make what Expedicon you can to vnlade her Goods, and to put such Things aboard her as you haue ready, and send her hetherward againe as soone as you may.

Wee have sent five Weigh of Salt in the Whelpe, and ten Weigh in the Talbot; if there be any Shallopps to bee had to fish withall, and the Season of the Yeare fitt, pray let the Fishermen (of which we send 6 from Dorchester) together with some of the Shipp's Company, endeavor to take Fish, and let it bee well saued

with

with the said Salt, and packed vpp in Hogsheals, or otherwife, as shalbe thought fittest, and send it Home by the Talbott, or Lyons' Whelpe. Now, forasmuch as the Lyons Whelpe belongeth to the Companie, you may (if there bee Hope to do Good by it) keepe her there some Tyme after the Talbott; but vnles it be to very good Purpose doe not detaine her, but let her come home in Companie of the Talbott. The George Bonaventure, is to land her Passengers, and other Things belonging to the generall Companie, or to particuler Men, and see sett sayle for Newfoundland, and wee pray you, let it bee your Care, to dispatch her as soone as may bee.

William Ryall and Thomas Brude, Coopers and Cleavers of Tymber, are entertained by vs in Halves with Mr. Cradock our Governor; pray ioine others that can assist them vnto them, and lett them provide vs some Staves, and other Tymber of all Sorts, to bee sent vs by the Talbott, Whelpe, or the other 2 Shippes that come after; but wee pray you consider the Charge of these Shippes, and detaine them not for small Matters, rather vse all Diligence to send them away.

If at the Arrival of this Shipp, Mr. Endecott should bee departed this Life, (which God forbidd) or should happen to dye before the other Shippes arriue, wee authorize you, Mr. Skelton and Mr. Samuell Sharpe, to take Care of our Affaires, and to gouerne the People according to Order vnill further Order. And to the end the Saboth may bee celebrated in a religious Manner, wee appoint that all that inhabite the Plantacon, both for the generall and particuler Employments, may surceasse their Labor every Satterday throughout the Yeare, at 3 of the Clock in the Afternoone, and that they spend the Rest of that Day in catichising and Preparacon for the Saboth as the Ministers shall direct.

If it shall please God to take away by Death any of the 13 that shalbe chosen and appointed for the Councell, (of which yourselfe or your Successor is to be one) in such Case, the then being Gouvernor and the suruyving Councell shall, from tyme to tyme, make choice of one or more to supply the Place of such as shalbe wanting: And that there may noe Difference arise about the appointing of one to bee Minister with those you send to inhabite at Mattachusetts-Bay, wee will have you (in Case the Ministers cannot agree amongst themselves who shall vndertake that Place), to make Choice of one of the three by Lott, and on whom the Lott shall fall, hee to goe with his Famylie to performe that Worke.

Wee haue aduised you of the sending of William Ryall and Thomas Brude, Cleavers of Tymber, but indeed the said Thomas, his Name is Brand, and not Norton; but there is one Norton, a Carpenter, whom wee pray you respect as he shall deserve.

There is one Richard Ewstead, a Whelewright, who was comended to vs by Mr. Davenport, for a very able Man, though not without his Imperfeccons; wee pray

you take Notice of him, and regard him as hee shall well deserve: The Benefit of his Labor is to bee two-thirds for the General Companie, and one-third for Mr. Cradock, our Gouvernor, being his Charges is to be borne according to that Proportion; and withall, wee pray you take Care that their Charges, who are for partable Employments whether in Halves or Thirds, may be equally defrayed by such as are to haue Benefit of their Labors, according to each Partyes Proportion; their severall Agreements, or the Copyes thereof, shall be (if God permitt) sent you by the next Shipp.

Wee haue entertained Lambert Wilson, Chirurgion, to remaine with you in the Service of the Plantacon, with whom we are agreed that hee shall serue this Companie and the other Planters that live in the Plantacon for 3 Yeares, and in that Tyme apply himselfe to cure, not only of such as came from hence for the generall and particuler Accompts, but also for the Indians, as from tyme to tyme hee shall be directed by yourselfe or your Successor, and the Rest of the Councell. And moreover, he is to educate and to instruct in his Art one or more Youths, such as you and the said Councell shall appoint, that may be helpfull to him, and if Occasion serue, succeed him in the Plantacon; which Youth or Youths fitt to learne that Profession, lett be placed with him, of which Mr. Hugeson's Sonne, if his Father approue thereof, may bee one, the rather because he hath bin trayned vp in Litterature; but if not hee, then such other as you shall iudg most fittest, &c.

The 21st of Aprill, in Gravesend.

THE aforewritten is for the most Part the Coppie of our generall Lr^e. sent you, together with our Pattent vnder the Broad Seale, and the Companie's Seale in Siluer, by Mr. Samuell Sharpe, Passinger in the George, who, wee thinke, is yet ryding in the Hope, but by Meanes of stormy Weather, the Talbott, and the Lyons' Whelpe are yet at Black-Wall; by these Shippes that are to follow, wee intend, God willing, to supply both in our Advice and in our Provisions what is wanting now. In the meane whyle we pray you accomodate Busines with your true Endeavors for the generall Good in the best and discreetest Manner that you may.

For the better Accomodacon of Businesse wee haue deuyded the Servants belonging to the Company into severall Famylies, as wee desire and intend they should liue together, a Copy wherof wee send you here enclosed, that you may accordingly appoint each Man his Charge and Dutie; yett it is not our Intent to tye you soe strictly to this Direcon, but that in your Discrecon, as you shall see Cause from tyme to tyme, you may alter or displace any as you shall thinke fitt.

Our

Our earnest Desire is, that you take speciall Care in settling these Families, that the Cheife in the Familie (at least some of them) bee grounded in Religion, whereby Morning and Evening Familie Dutyes may bee duly performed, and a watchfull Eye held over all in each Familie, by one or more in each Familie to be appointed thereto, that soe Disorders may bee prevented, and illweeds nipt before they take too great a Head; it wilbe a Busines worthy your best Endeavors to looke vnto this in the Begininge, and if need be, to make some exemplary to all the rest, otherwise your Government wilbe esteemed as a fear-crowe: Our Desire is, to vse Lenitie all that may bee, but in Case of Necessitie, not to neglect the other, knowing that Correccion is ordained for the Fooles Back; and as wee intend not to be wanting on our Parts to provyde all Things needfull for the Maintenance and Sufenance of our Servants, soe may wee iustly, by the Lawes of God and Man, require Obedyence and honest Carriage from them, with fitting Labor in their feuerall Employments, wherein if they shalbe wanting, and much more if refractory, care must bee taken to punish the obstinate and disobedient, being as necessary as Food and Rayment: And wee hartely pray you, that all be kept to Labor, as the only Meanes to reduce them to civill, yea a Godly Life, and to keepe Youth from falling into many Enormities, which by Nature wee are all too much enclyned vnto. God, who alone is able and powerfull, enable you to this greate Worke; and graunt, that our chiefeest Ayme may bee his Honor and Glory. And, thus wishing you all happy and prosperous Success, wee end and rest,

Your assured lo: Freinds,

The Gouvernor and Deputie of the

New England Company, for a Plantacon in

Mattachusetts-Bay.

THROUGH many Busineses wee had almost forgotten to recommend vnto you 2 Brethren of our Company, Mr. John and Mr. Samuel Browne, who though they bee noe Adventurers in the generall Stocke, yet are they Men wee doe much respect, being fully perswaded of their sincere Affeccions to the Good of our Plantacon; the one Mr. John Browne is sworne an Assistant here, and by vs chosen one of the Councell there: a Man experienced in the Lawes of our Kingdom, and such an one as wee are perswaded will worthyly deserue your Favor and Furtherance, which wee desire he may haue, and that in the first Devision of Lands there may be allotted to ether of them 200 Acres.

* I finde Mr. Oldham's graunt from Mr. Gorge is to him and John Dorrell, for all the Lands within Mattachufetts-Bay, betweene Charles-River and Aboufett-River, containing in Lengt by freight Lyne 5 Miles vp the Charles-River into the maine Land, north-west from the Border of the said Bay, including all Creekes and Points by the Way; and 3 Myles in Length from the Mouth of the foresaid Riuer Aboufett, vp into the maine Land, vpon a freight Line S. W. including all Creekes and Points; and all the Land in Breadth and Length betweene the foresaid Riuers, with all Prerogatives, royall Mynes excepted: The Rent reserved is 12d on every 100 Acres of Land that shalbe vsed. Mr. Blaxton, Cler. and William Jeffryes, Gent. authorised to put John Oldham in Possession, having a Sight of his Graunt, this I found, though I hold it voyde in Lawe, yett his Clayme being to this, you may in your Discrecon prevent him by causing some to take Possession of the cheife Part thereof.

FORM of GOVERNMENT for MASSACHUSETTS-BAY.

A GENERAL COURT, holden att LONDON the 30th Day of Aprill 1629,
by the Governour and Company of the MASSACHUSETTS-BAY, in NEW-
ENGLAND.

[Massachusetts Records, Lib. A. Fol. 9.]

WHEREAS the King's Most Excellent Majesty hath been graciously pleased to erect and establish us by his Letters-patents under the Great Seal of England, to be a Body Corporate, intituled, The Governour and Company of the Massachusetts-Bay, in New-England; and thereby hath endowed us with many large and ample Priviledges and Immunities, with Power to make good and wholesome Laws, Orders, and Ordinances for the better Maintenance and Support of the said Priviledges, and for the better and more orderly and regular Government to be observed in the Prosecution and Propagation of our intended Voyages and the Plantation there; authorising us to nominate and appoint and select fitt Persons amongst ourselves for the managing, ordering, and governing of our Affairs, both in England

* This is recorded immediately after the above, but from the Alteration from the *plural* to the *singular* Number does not appear to be written by the Persons who wrote the Letter.

land and in the Places and granted unto us by Vertue of his Majesties said Charter: We have in the Profecution of the said Power and Authority given us, and in Conformity thereunto, and to the Purpose and Intent thereof, and not otherwise, thought fitt to settle and establishe an absolute Government at our Plantation in the said Massachusets-Bay, in New England, which by the Vote and Consent of a full and ample Court now assembled, is thought fitt, and ordered as followeth, viz.

That thirteen of such as shall be reputed the most wise, honest, expert, and discreet Persons resident upon the said Plantation, shall from time to time, and at all times hereafter, have the sole managing and ordering of the Government and our Affairs there, who, to the best of their Judgments, are to endeavour to so settle the same as may make most to the Glory of God, the Furtherance and Advancement of this hopeful Plantation, the Comfort, Encouragement, and future Benefit of us and others, the Beginners and Profecutors of this so laudable a Work: the said thirteen Persons so appointed to be entitled by the Name, of The Governour and Councill of London's Plantation in the Massachusets-Bay, in New England.

And having taken into due Consideration the Merritt, Worth, and good Desert of Capt. John Endicott, and others lately gone over from hence with Purpose to reside and continue there; we have with full Consent and Authority of this Court, and by Erection of Hands, chosen and elected the said Capt. John Endicott to the Place of present Governour in our said Plantation.

Also by the same Power, and with the like full and free Consent, we have chosen and elected Mr. Fra. Higgeson, Mr. Samuel Skelton, Mr. Fra. Bright, Mr. John Brown, Mr. Samuel Brown, Mr. Thomas Greaves, and Mr. Samuel Sharp, these seven to be of the said Councill, and do hereby give Power and Authority to the said Governor, and those seven, to make Choice of 3 others, such as they, or the greater Number of them in their Discretions, shall esteem and conceive most fitt thereunto to be also of the said Councill. And to the end that the former Planters there may have no just Occasion of Exception as being excluded out of the Priviledges of the Company, this Court are content, and do order, by Erection of hands, that such of the said former Planters as are willing to live within the Limits of our Plantation, shall be enabled, and are hereby authorized to make Choice of two such as they shall think fitt, to supply and make up the Number of 12 of the said Councill, one of which 12 is by the Governour and Council, or the major Part of them, to be chosen Deputy to the Governor for the Tyme being.

And further, the Court doth authorize and give Power to the said Governour and Council, or the major Part of them, (whereof the Governor, or Deputy, to be always one) to make Choice of a Secretary, and such other subordinate Officers to attend them at their Courts, Meetings, or otherwise, as in their Discretion shall

seem meet and needfull: And to the end, that every one of the forenamed Officers, as well Governour, Deputy, and Council, as others who they shall think fitt to nominate and chuse, may be the more carefull in Performance of the Charge committed unto them; it is by this Court thought fit and ordered that each of them shall take an Oath proper to that Place he shall be elected and chosen to, which is to be administred unto him or them att the Time of his or their Election or Admittance into the said severall Place or Places.

And wee do hereby authorize _____ to administer unto the Gôvernour the Oath to his Place appertaining. And, that the Governour having taken his Oath as aforesaid, shall administer the Oath to the Deputy appertaining to his Place. And, we do further hereby authorize the Governour or Deputy, or either of them, to administer the Oath to the Rest of the Council, and to all others the severall Officers respectively; which said Oaths are to be administred in a public Court, and not elsewhere.

It is further concluded on, and ordered by this Court, that the said Governour, Deputy, and Council beforenamed, so chosen and established in their severall Places, shall continue and be confirmed therein for the Space of one whole Year, from and after the taking the Oath, or untill such Time as this Court shall think fitt to make Choice of any others to succeed in the Place or Places of them or any of them. And if it shall please God that any of them, or any others to be hereafter chosen to any Office there, shall depart this Life before the Expiration of the Time they were so chosen, or for any Misdemeanour or Unfitness shall be held unmeet for the Place he was formerly chosen unto, that then the Governour, or Deputy and Council, or the greater Part of them, att an ample Court assembled, shall have Power, and hereby are authorized, not only to remove and displace such unfit Person or Persons, but also to nominate and chuse a fitt Person or Persons to succeed him or them so deceased, removed, or displaced as aforesaid, into the said Place or Places, for the Residue of the Time unexpired.

And it is further agreed on and ordered, that the Governor, for the Time being, shall have Power, and is hereby authorized to call Courts and Meetings in Places and at Times convenient as to his Discretion shall seem meet; which Power is hereby also conferred upon the Deputy, in the Absence of the said Governor; And the said Governour or Deputy, together with the said Council, being chosen and assembled as aforesaid, and having taken their Oaths respectively to their severall Places, they, or the greater Number of them, whereof the Governor or Deputie to be always one, are authorized by this Act, grounded on the Power derived from his Majesties Charter, to make, ordain, and establish all Manner of wholesome and reasonable Laws, Orders, Ordinances, and Constitutions, so as the same be no Way repugnant or contrary to the Laws of the Realm of England for the Administering of Justice

Justice upon Malefactors, and inflicting condign Punishment upon all other Offenders; and for the Furtherance and propagating of the said Plantation, and the more decent and orderly Government of the Inhabitants resident there.

INDIAN DEED to WHEELWRIGHT, &c.

[New-Hampshire Records.]

WHEREAS We the the Sagamores of Penecook, Pentucket, Squamsquot, and Nuchawanack, are inclined to have the English Inhabitants amongst Us, as they are amongst our Countrymen in the Massachusetts Bay, by which Means we hope in Time to be strengthened against our Enemy the Tareteens, who yearly doth us Damage. Likewise being perswaded that it will be for the Good of us and our Posterity, &c. To that End have at a general Meeting at Squamsquott on Piscattaqua River, We the aforesaid Sagamores, with a universal Consent of our Subjects, do Covenant and agree with the English as followeth. Now all Men by these Presents, that We, Passaconawaye, Sagamore of Penecook, Runnaawitt, Sagamore of Pentuckit, Wahangnonawitt, Sagamore of Squamsquot, and Rowls, Sagamore of Nuchawanack, for a compleat Valuation in Goods, already received in Coats, Shirts, and Victuals, and also for the Considerations aforesaid, do according to the Limits and Bounds hereafter granted, give, grant, bargain, sell, release, ratify, and confirm unto John Wheelwright, of the Massachusetts Bay, late of England, a Minister of the Gospel, Augustine Story, Thomas Wite, William Wentworth, and Thomas Lovet, all of the Massachusetts Bay, in New-England, to them, their Heires and Assigns for ever; all that Part of the Main Land bounded by the River of Piscattaqua and the River of Meremak, that is to say, to begin at Nuchawanack Falls in Piscattaqua River aforesaid, and so down said River to the Sea, and so alongst the Sea Shore to Merramack River, and so up along said River to the Falls at Pentuckit aforesaid, and from said Pentucket Falls upon a North West Line, twenty English Miles into the Woods, and from thence to run upon a streight Line North East and South West, till meet with the Main Rivers that runs down to Pentucket Falls and Nuchawanack Falls, and the said Rivers to be the Bounds of the said Lands, from the thwart Line or head Line to the aforesaid Falls, and the Main Channell of each River, from Pentuckitt and Nuchawanack Falls to the Maine Sea, to be the Side Bounds, and the Main Sea between Piscattaqua River and Meramack River, to be the lower Bounds, and the thwart Line that runs from River to River, to be

the upper Bounds ; together with all Islands within said Bounds, as also the Isles of Shoals, so called by the English ; together with all Profits, Advantages, and Appurtenances whatsoever to the said Tract of Land belonging, or in any wise appertaining, reserving to ourselves, Liberty of making Use of our own planting Land, and also free Liberty of Hunting, Fishing, and Fowling ; and it is likewise with these Privileges following, viz.

First, The said John Wheelwright, shall within Ten Years after the Date hereof, set down with a Company of English and begin a Plantation at Squomsquott Falls in Piscataque River aforesaid.

Secondly, That what other Inhabitants shall come and live on said Tract of Land amongst them, from time to time, and at all Times, shall have and enjoy the same Benefits as the said Wheelwright aforesaid.

Thirdly, That if at any Time there be a Number of People amongst them, that have a mind to begin a New Plantation, that they be encouraged so to do, and that no Plantation exceed in Lands above Ten English Miles square, or such a Proportion as amounts to Ten Miles square.

Fourthly, That the aforesaid granted Lands are to be divided into Townships as People increase and appear to inhabit them, and that no Lands shall be granted to any particular Persons, but what shall be for a Township, and what Lands within a Township is granted to any particular Persons, to be by Vote of the major Part of the Inhabitants, legally and orderly settled in said Township.

Fifthly, For managing and regulating, and to avoid Contentions amongst them, they are to be under the Government of the Colony of the Massachusetts their Neighbours, and to observe their Lawes and Orders untill they have a settled Government amongst themselves.

Sixthly, We the aforesaid Sagamores and our Subjects, are to have free Liberty within the aforesaid granted Tract of Land of Fishing, Fowling, Hunting, and Planting, &c.

Seventhly and Lastly, Every Township within the aforesaid Limits or Tract of Land, that hereafter shall pay to Passaconaway our chief Sagamore that now is, and to his Successors forever if lawfully demanded, one Coat of Trucking Cloth a Year, and every Year for an Acknowledgment ; and also shall pay to Mr. John Wheelwright aforesaid, his Heirs and Successors forever, if lawfully demanded, Two Bushels of Indian Corn a Year, for, and in Consideration of said Wheelwright's great Pains and Care, as also for the Charges he hath been at to obtain this our Grant for himself, and those aforementioned, and the Inhabitants that shall hereafter settle in Townships on the aforesaid granted Premises. And We the aforesaid Sagamores

Passaconaway,

Passaconaway, Sagamore of Penecook, Runawitt, Sagamore of Pentucliett, Wahangnonawitt Sagamore of Squomfquott, and Rowles, Sagamore of Nuchawannach, do by these Presents ratify and confirm all the aforegranted and bargained Premises and Tract of Land aforesaid, excepting and reserving as afore excepted and reserved, and the Provissors aforesaid fulfilld, with all the Meadow and Marsh Ground therein, together with all the Mines, Minerals of what kind or nature soever, with all the Woods, Timber, and Timber Trees, Ponds, Rivers, Lakes, Runs of Water or Water Courses thereunto beionging, with all the Freedom of Fishing, Fowling, and hunting as ourselves, with all other Benefits, Profits, Priviledges, and Appurtenances whatsoever thereunto of all and every Part of the said Tract of Land, belonging, or in any way appertaining unto him the said John Wheelwright, Augustine Storer, Thomas Wight, William Wentworth, and Thomas Levet, and their Heires and Successors forever as aforesaid. To HAVE AND TO HOLD the same as their own proper Right and Interest, without the least Disturbance, Molestation, or Trouble of Us, our Heires, Executors, and Administrators, to and with the said John Wheelwright, Augustine Storer, Thomas Wight, William Wentworth, and Thomas Levit, their Heirs, Executors, Administrators, and Assigns and other the English that shall inhabit there, and their Heirs and Assigns for ever, shall warrant, maintain, and defend.

IN WITNESS whereof we have hereunto set our Hands and Seals, the seventeenth Day of May, 1629, and in the fifth year of King Charles his Reign over England, &c.

PASSACONAWAY Mark.
A Seale.

RUNAAWITT Mark
A Seale.

WAHANGNONAWITT Mark.
A Seale.

Signed, Sealed, and Delivered in Presence of Us,

WADERGOSCOM Mark.
MISLONOBITE Mark.
JOHN OLDHAM.
SAMUEL SHARPE.

Memorandum.

On the 17th Day of May, one thousand, six hundred, twenty and nine, in the fifth year of the Reign of our Sovereign Lord, Charles, King of England, Scotland, France and Ireland, Defender of the Faith, &c. Wahangnonaway, Sagamore of Squomfquot in Piscataqua River, did, in Behalf of himself and the other Sagamores aforementioned then present, deliver quiet and peaceable Possession of all the Lands mentioned in the within written Deed, unto the within named John Wheelwright, for the End within mentioned, in Prefence of Us, Walter Neal, Governor, George Vaughan, Factor, and Ambrose Gibbins, Trader for the Company of Laconia, Richard Vines, Governor, and Richard Bonighton, Assistant of the Plantation at Saco, Thomas Wigg, Agent, and Edward Hilton, Steward of the Plantation of Hilton's Point, and was signed, sealed, and delivered in our Prefence.

IN WITNESS whereof, We have hereunto set our Hands, the Day and Year above written.

RICHARD VINES,

RICHARD BONIGHTON,

WALTER NEALE,

AMBROSE GIBBINS.

THOMAS WIGGIN,

EDWARD HILTON,

GEORGE VAUGHAN,

Recorded according to the Original found on the ancient Files for the County of York, this 28th Day of January, 1713.

PER JOSEPH HAMOND, REGR.

A true Copy from York County Records of Deeds, &c. Lib. 8. Fol. 16, &c.

Attest,

DANIEL MOULTON, REGR.

At

DIVISION OF LANDS.

[Massachusetts Records.]

At a COURT of ASSISTANTS on Thursday, 21st May, 1629.

THE Court taking into due and mature Consideration how necessary it will be that a Divident be forthwith made of some competent Quantity of Land in the London Plantation in New England, both for the present Accommodation of the People gone thither, as well to build them Houses, as to inclose and manure and feed their Cattle on, have thought fit, and ordered, that the Governor, Deputy, and Council there shall make a Divident accordingly, and allott the same unto the feuerall Adventurers and others, as followeth, viz.

That 200 Acres of Land be by them allotted to each Adventurer for 50^l. Adventure in the common Stock, and so after that Rate, and according to that Proportion, for more or less, as the Adventure is, to the Intent they may build their Houses and improve their Labours thereon. That every Adventurer in the common Stock, or his Servant for him, or on his Behalf, shall make Request or Demand to the Governor, or Deputy and Council, to have a Proportion of Land allotted unto him accordingly, and if within ten Days after such Request or Demand made, the same be not sett out and allotted him, then such Person or Persons are by Vertue of this Act permitted and authorized to seat him or themselves, and build his or their House or Houses, and inclose and manure Ground in any convenient Place or Places, not formerly built upon or manured; Provided that the Land so made Choice of by any such Person or Persons do not exceed in Quantity the one-half of the Land which is to be allotted unto him or them by Divident, according to this Order abovementioned; with Liberty also, when the first Divident shall be made, to take his or their Allotment of Land as others do in lieu of this, if in the mean time the first Choice shall be disliked by them, or any of them.

And for further Explanation of this Act, it is thought fit that if the Plott of Ground whereon the Town is to be built be sett out, and that it be publickly known to be intended for that Purpose, that then no Man shall presume to build his house in any other Place (unless it be in the Massachusetts-Bay, and then according to such Direction as shall be thought meet for that Place); and in Case his Allotment for building his House within the Plott of Ground set out for building of the Town be not appointed unto him within ten Days after Demand or Request to the Governour or the Deputy and Council for the same, it shall be free for any, being an Adventurer in the common Stock, or his Servant for him on his Behalf, to build his House within any Place within the said Plott sett out for the Town, and to impale to the Quantity of Half an Acre of Ground for each 50^l. Adventure in the common Stock, unless a

greater or lesser Proportion, be formerly determined by the Governour and Council, by which each Builder is to be guided and directed.

It is further thought fit and ordered that all such as go over in Person, or send over others at their own Charge, and are Adventurers in the Common Stock, shall have Lands allotted unto them for each Person they transport to inhabite the Plantation, as well Servants as all others; which fifty Acres of Land so allotted to Servants or others is hereby ordered to be to and for the Use of his Master or Setter forth, being an Adventurer in the common Stock, to dispose of at his Discretion, in Regard the Master is at the Charge of the said Servant and others their transportation Wages and otherwise. But for such as being no Adventurers in the common Stock, shall transport themselves and their Families, It is ordered that fifty Acres of Land shall be allotted and sett out for the Master of the Family, and such a Proportion of Land more, if there be Cause, as according to their Charge and Quality the Governour and Councill of the Plantation there shall think necessary for them, whereby their Charge may be fully and amply supported, unless it be to any with whom the Company in London have or shall make any other particular Agreement to which Relation is to be had in such Case.

And to the end every Adventurer may the more safely and peaceably enjoy their said Lands allotted out to them, or chosen by them, and the Houses they build thereon as abovesaid, it is thought fitt, and ordered by the Court, that Conveyances shall be made thereof unto each particular Man for the Land he possesseth in the Company's Name, and the Common-Seal of the Company to be thereto affixed by the Governour and Council there, at the Charge of the Company; which Common Seal is by this Court thought fit, and ordered to be committed to the Charge and Keeping of the Governour for the Time being, and in his Absence, to his deputy here.

All which Premises beforementioned, the Company do by general Consent, ratify, establish, and confirm; and do also order, that Copys of such Acts shall be sent over to the Governour and Council there resydent, subscribed by the Governour, Deputy, and six of the Assistants here; sealed with the Common Seal of the Company.

LETTER to Captain JO. ENDYCOTT, and the COUNCELL in NEW-
ENGLAND.

[Suffolk County Records, p. 52.]

LONDON, 28th May, 1629.

AFTER our harty Comendacons, our last unto you was of the 17th and 21th. April, sent by the last Shippes, viz. the Geo. Bonadventure, Thomas Cox Master, who sett saile from the Ile of Wight the 4th of this Month, and seconded by the Talbott, Thomas Beecher Master, and the Lyon's Whelpe, John Gibbs Master, who sett saile also from th' Isle of Wight, about the 11th of this Month, which lre. being large, and consisting of many particulers, hath bin confirmed heere ; and herewith you shall receive a Coppy therof, desiring you to take especiall Care of the Performance, and putting in Execucon of all Things materiall therein mentioned, and particularly amongst others that Point concerninge Publicacon to bee made, that noe Wrong or iniurie bee offred by any of our People to the Natiues there, to which Purpose wee desire you the Governor to aduise with the Councell, in pening an effectual Edict vpon Poenalty to bee inflicted vpon such as shall transgres the same ; which being done, our Desire is the same may bee published, to the end that all Men may take Notice thereof, as also that you send a Coppy thereof unto vs by the next Returne of the Shippes.

Wee have sithence our last, and according as wee then aduised, at a full and ample Court assembled, elected and established you Captaine John Endicott to the Place of present Gouvernor of our Plantacon there, as also some others to bee of the Councell with you as more particularly you will perceive by an Act of Court herewith sent, confirmed by us at a Generall Court, and sealed with our comon Seale, to which Act wee referr you, desiring you all punctually to observe the same, and that the Oathes wee herewith send you, (which have been here penned by learned Councell) to bee administred to each of you in your feuerall Places, may bee administred in such Manner and Forme as in and by our said order is particularly expressed ; and that yourselues do frame such other Oathes as in your Wisdomes you shall thinke fitt to be administred to your Secretary, or other Officers, according to their feuerall Places respectiely.

Wee haue further taken into our Consideracon, the Fittnes and Conuenyencie, or rather a Necessitie of making a devident of Land, and allotting a Proporceon to each Aduenturer, and otherwise ; and to this Purpose haue made and confirmed an
Act,

Act, and sealed the same with our Comon Seale, to the particulars wherof wee referre your, desiring you with all conuenient Expedicon to put the same in Execucon, and for your better Direcon in the Allotment, wee haue herewith sent you (as by our last wee promised), a List of all the feuerall Aduenturers, and of the some by each of them aduentured, desiring, that upon the devydent, each Aduenturer may haue his Allotment of Land, and also such others as are noe Aduenturers, coming in person at their owne Charge, and the Seruants of Aduenturers sent ouer to reside vpon the Plantacon may haue such a Proporcon of Land allotted vnto and for them as by our said Order is appointed :

And whereas diuers of the Companie are desirous to haue the Lands lye together, wee holding it fitt herein to giue them all Accommodacon, as tending to the Furtherance of the Plantacon, doe pray you to giue Way therevnto for such as shall desire the same, whether it bee before a deuident bee made according to our Direcon, or at the Tyme of the Allotment, to obserue the same Course.

You shall also receive herewith, the Coppys of all the feuerall Agreements made with the Seruants and others sent ouer in the three last Shippes for Account of the Company, together with their feuerall Names, for your better Direcon in employing them in their feuerall Places, according to those Agreements, as also the Names of the Seruants of such particuler Members of the Company as went ouer in the said Shippes ; desiring you that a due Register bee taken and kept from tyme to tyme of all the Persons formerly sent over, or that hereafter come to the Plantacon both of the Names and Qualitie, and Age, of each particuler Person, and for or by whom they are sent ouer.

Wee fend you also herewith a particuler of all the Goods and Cattle sent in those forenamed Shippes, as also of what Goods, Cattle, or other Prouisions wee now fend vpon these three Shippes, viz. The Mayflower, of Yarmouth, William Pierce, Master ; the Fower Sisters of London, Roger Harman, Master ; the Pilgrim of London, William Wolridge, Master ; amongst which wee haue remembered you the Governor there with certaine Necessaries promised by our last ; and if in ought wee haue been now wantinge, wee shall vpon Notice from you see the same supplied by our next.

Whereas in our last wee aduised you to make Composicon with such of the Saluages, as did pretend any Tytle, or lay Clayme to any of the Land within the Territoryes graunted to vs by his Maiesty's Charter, wee pray you now bee carefull to discover and finde out all such Pretenders, and by Aduice of the Councell there, to make such reasonable Composicon with them, as may free vs and yourselues from any Scruple of Intrusion ; and to this Purpose if it might be conveniently done, to compound and conclude with them all, or as many as you can at one Tyme, not
doubting

doubting but by your discreet ordering of this Busines, the Natiues wilbe willing to treat and compound with you vpon uery eaſie Conditions.

We pray you as ſoon as theſe Shipps are diſcharged, to cauſe a particular to be taken and ſent vs at their Returne for England, of the Names of all ſuch Perſons as come vpon them to remaine in the Country; as alſo a Note of the Cattle and all Manner of Goods of what Kinde ſoeuer landed out of them, with the ſeueral Marks and Names of the Owners therof, the like whereof wee deſire to receive from you of the former 3 Shipps, viz. the George, Talbott, and Lyon's Whelpe, to the End wee may compare the ſame with the Invoyses heere, and receive Freight if any be omitted.

The Charge wee are at in ſending ouer Seruants for the Company is uery great, the Recompence wherof (vnder God) depends vpon their Labor and Endeavors, and therefore our Deſire is, that you appoint a carefull and dilligent Overſeer to each Familie, who is to ſee each Perſon employed in the Buſineſſ hee or they are appointed for; and to the End both yourſelues there, and wee heere, may from tyme to tyme haue Notice how they employ their tyme; wee have ſent you diuers Paper Bookes, which wee pray you to diſtribute to the ſaid Overſeers, who are to keep a perfect Regiſter of the dayly Worke done by each Perſon in each Familie, a Coppy whereof, wee pray you ſend vnto vs once every halfe Year, or as often as conveniently you may, but if you conceive that the ſaid Regiſter may bee too much to wryte particularly everie Day, wee deſire that a Sumary may be taken therof, at the leaſt euery Weeke, regiſtered in the Booke kept for that Familie, and at each Week's End the ſame to be examined and ſubſcribed by two, three, or fewer ſuch diſcreet Perſons as you ſhall thinke fitt to appoint for that purpoſe.

And for the better gouerning and ordering of our People, eſpeciallie ſuch as ſhall be negligent and remiſſ in Performance of their Dutyes, or otherwiſe exorbitant, our Deſire is, that a Houſe of Correccion bee erected and ſet vpp, both for the Punishment of ſuch Offenders, and to deterr others by their Example from ſuch Irregular Courſes.

Richard Claydon, a Wheele-wright, recommended vnto vs by Dr. Wells, to bee both a good and painfull workman, and of an orderly Lyfe and Converſacon, our deſire is, that vpon all Occaſions hee may haue your Furtherance and good Accommodacon as you ſhall ſinde him by his Endeavors to deſerue, to whom as to all others of Fitneſſ and Judgement, lett ſome of our Seruants be comitted to be inſtructed by him or them in their ſeueral Arts, &c.

There is alſo one Richard Haward, and Richard Inkersall, both Bedfordſhire men, hyred for the Company with their Faenylics, who wee pray you may bee well accommodated, not doubting but they will well and orderly demean themſelves.

Our Gouernor, Mr. Cradock, hath entertained 2 Gardners, one of which hee

is content the Company shall haue Use of if Neede bee; and wee desire that Barnabie Claydon, a Wheel-wright, may serue Mr. Sharpe for our said Gouvernor heere, or some other Person in Lieu of him, that may giue him Content.

Some Things wee are desired by Mr. Whyte the Minister, to recomend vnto your Care, vizt. that you would shew all lawfull Fauor and Respeect vnto the Planters that came over in the Lyon's Whelpe out of the Countyes of Dorset and Somersett: That you would appoint vnto William Dodg, a skilfull and painfull Husbandman, the Charge of a Team of Horses: To appoint Hugh Tillie and William Eedes for Seruants to Sir Richard Saltonstall: To giue Approbacion and Furtherance to Francis Webb in setting ypp his Sawmill; and to take Notice that all other Persons sent over by Mr. Whyte are Servants to the Company, whatsoever he hath written to the contrary, this being now his owne Desire.

The Charge of these 3 Shippes now sent out, though every Man that hath any private Aduenture is to pay for his particuler, yett the Hazard of Profit and Loss by the freighting of them all, and Mens' Wages and Victuall, with Victuall for the Passengers, is to be borne one-half by the Companyes generall Stock, and one half by the Gouvernor and his Partners from their private Stock; soe is also the fishing to bee returned by them as the Salt sent in them is, wherfore wee pray you, when your Shippes are discharged, if any Surplus shalbe in Victualls that they can spare, as also of other Provisions that was provided for the Passengers' Accommodation, lett the same be equally devyded, half to the Gouvernor there, for the Company, th' other Halfe to Mr. Samuell Sharpe, for the Vse of Mr. Cradock, our Gouvernor and his Partners; all Prouisions for the fishing at Sea is here equallie borne in Halves; soe are all the Provisions for shipping of all the Cattle in these 3 Shippes, and accordingly wee desire the Deales and Cask may be devyded there.

The Provisions for building of Shippes, as Pitch, Tar, Rozen, Okum, old Ropes for Okum, Cordage and Saycloth in all these Shippes, with 9 Ferkins and fyve halfe Barrels of Nayles in the Fower Sisters, are two-thirds for the Company in generall, and one-third for the Gouvernor Mr. Cradock, and his Partners, as is also Charge of one Georg Farr, now sent over to the Six Shipwrights formerly sent: Our Desire is, a Storehouse may be made apt for the Prouisions of the Shipwrights and their Toolles, wherof Robert Moulton to haue the cheife Charge, and an Inventory to bee sent vs of all the Toolles, the new by themselves, and the old by themselves, that are sent over for the Vse of the said Shipwrights, or any of them, in these and the former Shippes: In like Manner of all Prouisions any Way concerning Shipping, to the end wee may heere examine and synde that the Company may bee duly charged with their two-third Parts of the Charge, and noe more, and the Gouvernor likewise and his Partners with one-third Part, and noe more. And our Desire is, that these Men bee kept at Worke together, adding to their Helpe such of the

Compayes Servants as you shall fynde needfull, and proportionably one-halfe as many of Mr. Cradock's, which Course wee hold most equall; and, that accordingly as any Vessells bee built, first that both Partyes may be accomodated for the present Occasion, but soe soon as 3 Shallops shalbe finished, two of them to bee sett out for the Companie, by Lott, or as you shall agree there to make an equal Devision, and one for our Gouvernor and his Partners; with whose Agent Mr. Sharpe, if you shall thinke fitt to agree vpon equall Tearmes, ether in Thirds or Halves, to fish together when you shall haue Vessells sitting, or for setting any other Designe forward that may conduce to the Good of all Partyes, the Charge to bee borne indifferently by each Partye proportionably, wee leave to your Care and good Discrecons, desiring and hartely praying, that Loue and Vnitie may bee continued without any hartburninge: And as our Gouvernor hath engaged himselfe beyond all Expectacon in this Busines, not only in his particuler, but by great Sommes disbursed for the generall, to supply the Wants thereof; soe our Desire is, that you endeavor to giue all Furtherance and freindly Accomodacon to his Agents and Servants, not doubting but you shall fynde them likewise ready to accomodate the Company in what they may the Company standing in Neede of your Help.

The Cattle now and formerly sent haue bin all provyded by the Gouvernor, except 3 Mares that came out of Leicestershire; but aswell those, as all the rest, are agreed vpon to be shipt, the one-halfe at the Charge and vpon the Adventure of the generall Company, the other one-halfe for the Gouvernor and his Partners; and because all Occasions shalbe avoyded of just Excepcions in their Devision, it is agreed, that the Devision shalbe made after the Arrival there, that soe whatsoever it shall please God to send thither in Safety, a Devision may bee then made thereof, by Lott, or in such equall Manner as you the Gouvernor there, and Mr. Sharpe, shall hold to be indifferent; and in case Mr. Samuell Sharpe should bee sick or absent, the Gouvernors Desire is, that Henry Haughton supply his Place herein and in other his Occasions there.

And as in our former, soe now againe wee especially desire you to take care that noe Tobacco bee planted by any of the new Planters vnder your Gouvernement, vniess it bee some small Quantitie for meere Necessitie, and for Phisick for Preseruacon of their Healths, and that the same bee taken privately by auncient Men and none other; and to make a generall Restraint thereof, as much as in you is, by perswading the old Planters to employ themselves in other Busines, according to our Example, and not to permit that any Tobacco bee laden there vpon our Ships.

Since the aboue written wee haue vpon further Consideracon resolved, That the Charge of the six Fishermen sent over in the Lyon's Whalpe, and 3 more now sent by our Gouvernor, should bee born, two-thirds by the generall Company, and one-

third by Mr. Cradock and Partners, the like for Salt and other Necessaries for Fishing ; in Consideracon wherof, and for that they will haue a like Interest in the Shallops, our Desire is, that the Benefit of their Labors both in Fishing and otherwise (the Trade of Beavör excepted, in which if you vse any of these Fishermen as Seamen, you must recompence their Labors by other Men to supply their Place) bee equally deuyded, two-thirds for the Vse of the General Company, and one-third for our Gouernor, Mr. Cradock and Partners, proportionally, and for such others as are to bee assisting to these Men in the Fishing, you are to appoint two-thirds of them to bee of the General Companye's Seruants, and one-third of the Seruants of Mr. Cradock and his Parteners accordingly.

The Charge of the Freight of these three Shippes, their Men, Viſtualls, &c. will stand Vs in about 2400lb. and their Freight outward will nothing neere counterwaile that Charge ; wherefore wee pray you to ease it what you may by sending Vs Returns in Fish or other Lading ; and wee desire you to giue them all Expedicon, for otherwise their monthly Pay, being about 400lb. per Month for these three Shippes, will soone swallow vp the Gaines wee shall make of any Thing they may bring Home from thence.

Wee haue now sent by these 3 Shippes, 29 Waigh of Salt, viz. 11 Weigh in the May Flower, 15 in the Flower Sisters, and 3 Waigh in the Pilgrim, together with Lynes, Hookes, Knives, Bootes, and Barrells, necessary for Fishing ; desiring our Men may bee employed ether in Harbour, or vpon the Banke, to make vse therof for lading our Shippes, wherein wee desire you to conferr and aduise with Mr. Pierce, who hath formerly fished there ; and if you send the Shippes to fish at the Banck, and expect them not to returne again to the Plantacon, that then you send our Barke, that is already built in the Country, to bring back our Fishermen, and such Provisions as they had for Fishing, viz. of Salt, if any Remainder bee, as also of Hookes, Lynes, Knives, Bootes and Barrells, which to them will be of noe Vse, their Fishing being ended, but may be of Vse to you vpon all Occasions.

And as wee haue hereby desired, that a Store-house bee built for the Shipwrights and their Prouisions, and an Inventory kept therof ; soe wee desire likewise that the same Course bee obserued for the Fishermen, and an Inventory be duly kept of all the Prouisions and Implements for Fishing, and a Coppy therof to bee sent vnto vs, and that such a carefull Person bee appointed to take Care and Charge therof, to preserve the same from Loss and Spoyle, as you in your Discrecons shall think fitt ; which wee pray you to take into your espetiall Care and Consideracon, and soe to order this and other Business, by distributing the Care therof to seueral Persons, that the Burthen be not too heavy to any Particuler, and soe the Business itselfe suffer, and this Care wee desire may bee taken, for that wee know not how soone wee may resolve of some other Devisiön.

Thomas

Thomas Beard, a Shoemaker, and Ifack Rickman, being both recommended to vs by Mr. Symon Whetcombe, to receiue their Dyatt and Houfe-roume at the Charge of the Companie, wee haue agreed they fhall be with you, the Gouernor, or placed elfewhere, as you fhall thinke good, and receive from you, or by your Appointments, their Dyatt and Lodging, for which they are to pay each of them after the Rate of 10lb. per Ann.; and wee defire to receiue a Certificate vnder the Hand of whomfeuer they fhall be fo dyetted and lodged with, how long Tyme they have remained with them, in cafe they fhall otherwife difpofe of themfelues before the Yeare bee expired, or at leaft wife at the End of each Yeare, to the End wee may heere receive Payment according to the faid Agreement. The faid Tho. Beard hath in the Shipp the May Flower, diuers Hydes, both for Soles and vpper leathers, which hee intends to make vpp in Bootes and Shoes there in the Country; wee pray you let Mr. Peirce, the Mafter of the faid Shipp viewe the faid Leather, and Eftimate what Tonnage the fame may import, that foe the faid Beard may either pay vnto you there after the Rate of 4 lb. per Tonn, for Freight of the fame, the Like for his Dyett, if there be Occafion to vfe any of his Commodities, or otherwife vpon your Aduice wee may receiue it of Mr. Whetcome, who hath promifed to fee the fame difcharged: Wee defire alfo the faid Tho. Beard may have 50 Acres of Land allotted to him as one that transports himfelfe at his owne Charge, but as well for him as all others that fhall have Land allotted to them in that Kinde, and are noe Adventurers in the comon Stock, which is to fupport the Charge of Fortificacons, as alfo for the Miniftrie and diuers other Affaires, wee hold it fit that thefe kinde of Men, as alfo fuch as fhall come to inheritt Lands by their Service, fhould by way of Acknow'edgment to fuch from whom they receive thefe Lands, become lyable to the Performance of fome Service certaine Days in the Yeare, and by that Service they and their Pofteritie after them, to hold and inherite thefe Lands, which wilbe a good Meanes to enioy their Lands from being held in Capire, and to fupport the Plantacon in generall and particuler.

Wee may not omitt out of our Zeal for the generall Good, once more to putt you in Mynde to bee uery circumfpect in the Infancie of the Plantacon, to fettle fome good Orders, whereby all Perfons refident vpon our Plantacon may apply themfelues to one Calling or other, and noe idle Drone be permitted to live amongst vs; which if you take Care now at the firft to eftablifh, wilbe an undoubted Meanes, through God's Affiftance, to preuent a World of Diforders, and many greuious Sinns and Sinners.

The Courfe we have prefcribed for keeping a dayly Register in each Familie, of what is done by all and euery Perfon in the Famylie, wilbe a great Helpe and Remembrance to you, and to future Pofteritie for the vpholding and Continuance of this good A&t if once well begun and fetled, which wee hartely wifh and defire as aforefaid.

And as wee desire all should live in some honest Calling and Profession, soe wee pray you to be vnpartiall in the Administraction of Justice, and endeavor that noe Man whatsoever, Freeman or Seruant to any, may have iust Cause of Complaint herein; and for that it cannot be avoyded but Offences wilbe given, wee hartely pray you to admit of all Complaints that shalbe made to you, or any of you that are of the Councell, bee the Complaint never soe Meane, and pass it not sleightly over, but seriously examine the Truth of the Busines; and if you fynde there was iust Cause for the Complaint, endeavor to right the oppressed in the best Manner you can, but howsoever take some strict Course to prevent the like; and such as are by vs put in Authoritie as subordinate Gouvernors of Famylyes, if they shall abuse any vnder their Gouvernement, and after a gentle Admonicon doe not reforme it, fail not speedilie to remove them, as Men more fitt to bee gouerned then to gouerne others, and place more fitt and sufficient Men in their Steed; but if you fynde any Complaint to be made without iust Cause given, let not such a Fault escape without severe Punishment, and that forthwith, and in publike, whereby to teryfie all others from daring to complaine against any that shalbe sett over them without a iust Cause. Wee pray you to take this earnestly to Hart, and neglect not the due Execucon therof vpon Plantiff or Defendant, according to the Nature of the Offence; it wilbe a Meanes, through God's Mercy, of preventing many Inconvenyencies and Disorders that otherwise will vndoubtedly befall you and the whole Gouvernement there.

And amongst other Sinns, wee pray you make some good Lawes for the punishing of Swearers, wherunto it is to bee feared too many are addicted that are Seruants sent over formerly and now. These and other Abuses wee pray you who are in Authoritie to endeavour seriously to reforme, if ever you expect Comfort or a Blessing from God vpon our Plantacon.

Wee haue discharged diuers Seruants heere that wee had entertained and bin at great Charges with some of them, yett fearing their ill Lyfe might be preiudiciall to the Plantacon, wee rather thought fitt to dismiss them and loose our Charges, then to burthen the Plantacon with them; amongst others, in like Manner dismissed by the Gouvernor, 2 of the 3 Fishermen of his formerly menconed, are gone. Wee doubt not but God will in due Tyme provyde vs sufficiently with honest and able Seruants, and wee hope these sent will be conformable to Gouvernement, which if they doe willingly and cheerefully wilbe the greater Comfort to you and vs; if otherwise, we doubt not but you in your good Discrecons will know how to proceede with such, wherein, and in all Things els you goe about, wee beseech the Almighty soe to direct you, as that God alone may haue the Glory, and you and wee Comfort heere temporally, and hereafter perpetually.

Wee pray you to take Notice, that in these and the former Shipps ther is shipped in Cattle and other Provision, according to particuler Invoyses heere inclosed,

but

but whether all Things be incerted in the same Invoyses wee make doubt, and therefore pray you to bee carefull a due Register bee kept of all putt ashore.

Wee pray you endeavor, though there be much strong Waters sent for Sale, yett foe to order it as that the Saluages may not for our Lucre Sake bee induced to the exceslive Use, or rather Abuse of it; and at any Hand take Care our People give noe ill Example; and if any shall exceede in that inordinate Kinde of Drinking as to become drunck, wee hope you will take Care his Punishment bee made exemplary for all others; ~~let~~ the Lawes be first published to forbidd these Diforders, and all others you feare may growe vp, wherby they may not pretend Ignorance of the one, nor Priuilegd to offend, and then feare not to putt good Lawes, made vpon good Ground and warrant, in due Execucon.

And foe recommending you and all your Affaires to the Protecccon of the Almighty, wee conclude and rest,

Yours, &c.

Gravefend, 3. June, 1629.

To the worshipfull our uery loving Freinds, Captain
Jo: Endecott, Esquire, Gouvernor, *Fr: Higgenfon*,
Samuell Skelton, *Fr. Bright*, *Jo. and Sam. Browne*,
Sam. Sharpe, *Tho. Graues*, and the Rest of the
Councell for London's Plantacon, in the Matta-
chufetts-Bay, in New-England.

CAPITULATION DE QUEBEC. *Articles demandés par les*
sieurs DE CHAMPLAIN & DU PONT, le 19 Juillet 1629.

[Memoires de L'Amerique, Tom. II. Page 489.]

QUE le sieur Kertk nous fasse voir la Commission du Roi de la Grande-Bretagne, en vertu de quoi il se veut saisir de cette place; si c'est en effet par une guerre legitime que la France ait avec l'Angleterre, & si'l a procuration du sieur Kertk son frere, Général de la flotte Angloise, pour traiter avec nous, il la montrera.

Il nous fera donné un vaisseau pour repasser en France tous nos compagnons, & ceux qui ont été pris par le sieur Général, allant trouver passage en France, & aussi tous les Religieux, tant les Pères Jésuites que Recollets, que deux Sauvageffes qui
m'ont

m'ont été données, il y a deux ans, par les Sauvages, lesquelles je pourrai emmener, sans qu'on me les puisse retenir, ni donner empêchement en quelque manière que ce soit.

Que l'on nous permettra sortir avec armes & bagages, & toutes sortes d'autres commodités de meubles que chacun peut avoir, tant Religieux qu'autres, ne permettant qu'il nous soit fait aucun empêchement en quelque manière & façon que ce soit.

Que l'on nous donnera des vivres à suffisance pour nous repasser en France, en change de pelleteries, sans que par violence ou autre manière que ce soit, on empêche chacun en particulier d'emporter ce peu qui se trouvera entre les soldats & compagnons de ces lieux.

Que l'on usera envers nous de traitement le plus favorable qu'il se pourra, sans que l'on fasse aucune violence à qui que ce soit, tant aux Religieux & autres de nos compagnons, qu'à ceux qui sont en ces lieux, à ceux qui ont été pris, entre lesquels est mon beau-frère Boullé, qui étoit pour commander à tous ceux de la barque partie d'ici, pour aller trouver passage pour repasser en France.

Le vaisseau où nous devons passer, nous sera remis trois jours après notre arrivée à Tadoussac entre les mains; & d'ici nous sera donné une barque ou vaisseau pour charger nos commodités, pour aller audit Tadoussac prendre possession du vaisseau que ledit sieur Kertk nous donnera pour repasser en France, près de cent personnes que nous sommes, tant ceux qui ont été pris, comme ceux qui sont de présent en ces lieux.

Ce qu'étant accordé & signé d'une part & d'autre par ledit sieur Kertk, qui est à Tadoussac Général de l'armée Angloise & son conseil, nous metrons le fort, l'habitation & maisons entre les mains dudit sieur Kertk, ou autre qui aura pouvoir pour cet effet de lui. *Signé CHAMPLAIN & DU PONT.*

ARTICLES accordés aux sieurs CHAMPLAIN & DU PONT.

Pour le fait de la Commission de Sa Majesté de la Grande-Bretagne le Roi mon maître, je ne lai point ici, mais mon frère la fera voir quand ils seront à Tadoussac.

J'ai tout pouvoir de traiter avec M. de Champlain, comme je vous le ferai voir.

Pour le fait de donner un vaisseau, je ne le puis faire; mais vous pouvez assurer du passage en Angleterre, & d'Angleterre en France; ce qui vous gardera de retomber entre les Mains des Anglois, auquel danger pourriez tomber.

Et pour le fait des Sauvageffes, je ne les puis accorder pour raisons que je vous ferai savoir si j'ai l'honneur de vous voir; pour le fait de sortir armes & bagages & pelleteries

pelletteries, j'accorde que ces messieurs fortiront avec leurs armes, habits & pelletteries à eux appartenans ; & pour les soldats leurs habits chacun, avec une robe de castor fans autre chose ; & pour le fait des Péres, ils se contenteront de leurs robes & livres.

Ce que nous promettons faire ratifier par mon frère Général pour la flotte pour Sa Majesté de la Grande-Bretagne. *Signé L. KERTK. Et plus bas. THOMAS KERTK. Et plus bas est écrit :*

Les susdits articles accordés avec les sieurs de Champlain & du Pont, tant par les frères Louis & Thomas Kertk, je les accepte et ratifie, & promets qu'ils seront effectués de point en point. FAIT à Tadoussac, ce 19 août, style neuf, 1629. *Signé DAVID KERTK, avec paraphe.*

LETTER to the Rev. Mr. SKELTON, and the Rev. Mr. HIGGINSON.

REVEREND FRIENDS,

THERE are lately arrived heere (being sent from the Gouvernor Mr. Endecott, as Men factious and evill conditioned) John and Samuell Browne, being Brethren, who since their Arrival have raised Rumors (as wee heare) of divers scandalous and intemperate Speeches passed from one or both of you in your publique Sermons or Prayers in New England, as also of some Inovacons attempted by you : Wee have Reason to hope that their Reports are but Slanders ; partly, for that your Godly and quiett Conditions are well knowne to some of vs ; as also, for that these Men your Accusers seeme to bee imbittered against you and Captain Endecott for iniuries which they conceive they have received from some of you there ; yett for that wee all knowe that the best advysed may overshoot themselves, wee haue thought good to informe you of what wee heare, that if you bee innocent you may cleere yourselues ; or, if otherwise, you may heereby bee intreated to looke back vpon your Miscarriage with Repentance, or at least to take notice that we vtterly disallowe any such Passages, and must and will take Order for the Redress therof as shall become vs ; but hoping, as wee said, of your Unblamableness heerein, wee desire that this only may testifie to you and others that we are tender of the least Asperision which ether directly or obliquely may bee cast vpon the State heere, to whom wee owe soe much Duty, and from whom wee haue received soe much

Fauor

Fauor in the Plantacon where you now refyde. Soe with our Loue and due Respekt to your Callings wee rest,

Your Loving Freinds,

R. Saltonstall.

Iſa. Johnson,

London, 16. Octo:

1629.

Matt. Cradock, Gouvernor.

John Goff, Dept.

Geo. Harwood, Treaf.

Tho. Winthrop.

Tho: Adams.

Sym: Whetcombe,

Willm. Vaffall,

Wm. Pinchion,

John Revell,

Francis Webb.

S I R,

AS wee haue written at this Tyme to Mr. Skelton and Mr. Higginſon, touching the Rumors of Jo. and Sam. Browne, ſpread by them vpon their Arrivall heere, concerning ſome vnadvyſed and ſcandalous Speeches vttered by them in their publique Sermons or Prayers; ſoe haue wee thought meete to advertiſe you of what they have reported againſt you and them, concerning ſome raſh Inovacons begun and practiſed in the civill and eccleſeaſticall Gouvernement. Wee doe well conſider that the Brownes are likely to make the worſt of any thing they haue obſerved in New England, by Reaſon of your ſending them back againſt their Wills for their offenſive Behaviour expreſſed in a generall Lr̃e from the Company there; yett for that wee likewiſe doe conſider that you are in a Gouvernement newly founded, and want that Aſſiſtance which the Waight of ſuch a Buſineſs doth require, wee may haue Leave to to thinke that it is poſſible ſome vndigeſted Councells haue too ſodainely bin put in Execucon which may haue ill Conſtrucon with the State heere, and make vs obnoxious to any Adverſary. Lett it therefore ſeeme good vnto you to be very ſparing in introducing any Lawes or Comands which may render yourſelfe or vs diſtaſtfull to the State heere, to which (as wee ought) wee muſt and will haue an obſequious Eye: and as wee make it our mayne Care to haue the Plantacon ſoe ordered as may bee moſt for the Honor of God, and of our gracious Soueraigne, who hath beſtowed many large Priuiledges and royall Fauors vpon this Company; ſoe wee deſire that all ſuch as ſhall by Word or Deede doe any Thing to detract from God's Glory, or his Maieſty's Honor, may bee duly correſted for their Amendment, and the Terror of others; and to that end if you knowe any thing which hath bin ſpoken or done, either by the Miniſters (whom the Brownes doe ſeeme tacetly to blame for ſome Things vttered in their Sermons or Prayers) or any

others, wee require you if any such Thing bee, that you forme due Proceſſ againſt the Offenders, and ſend it to vs by the firſt, that wee may, as our Duty binde vs, uſe Meanes to haue them duly puniſhed: Soe not doubting but wee haue ſaid enough, wee ſhall repoſe ourſelues vpon your Wiſdome: And doe reſt,

Your Loving Freinds.

*Dated and ſigned as the former Lr^e to Mr. Skelton
and Mr. Higginſon.*

To the Gouvernor Captain Endecott.

COUNCIL of NEW-ENGLAND's GRANT of NEW-
HAMPSHIRE to JOHN MASON.

[Records of New-Hampshire Files.]

THIS INDENTURE, made the Seventh Day of November, Anno Domini One Thouſand Six Hundred Twenty-Nine, and in the Fifth Year of the Reign of our Sovereign Lord, Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. Between the Preſident and Council of New-England, on the one Part, and Captain John Maſon, of London, Eſquire, on the other Party: WITNESSETH, That whereas our late Sovereign Lord, of famous Memory, King James, for the making of a Plantation, and eſta- bliſhing of a Colony or Colonys, in the Country called or known by the Name of New-England, in America, did by his Highneſſ's Letters-patents, under the Great Seal of England, bearing Date at Weſtmiſter, the Third Day of November, in the Eighteenth Year of his Reign, Give and Grant and Confirm unto the Right Honourable Lodiwick, Duke of Lenox, George, Marquiſs of Buckingham, James, Marquiſs Hamilton, Thomas, Earl of Arundel, Robert, Earl of Warwick, Sir Ferdinando Gorges, Knight, and divers others, whoſe Names are expreſſed in the ſaid Letters-patents, their Heirs and Assigns, that they ſhall be one Body Politick and Corporate perpetuall, and that they ſhould have perpetuall Succeſſion, and one Common Seal or Seals to ſerve for the ſaid Body; and that they and their Succeſſors ſhall be known, called, incorporated by the Name of the Preſident and Council, eſta bliſhed at Plimouth, for the planting, ruling, and governing of New-England,

in America : And also did, of his especial Grace, certain Knowledge, and meer Motion, for Him, his Heirs and Successors, give, grant, and confirm unto the said President and Council, and their Successors, under the Reservations, Limitations, and Declarations, in the said Letters-patents expressed, all that Part and Portion of that Country, now commonly called New-England, which is situate, lying, and being between the Latitudes of Forty Degrees and Forty-Eight northerly Latitude; together with the Seas and Islands, lying within One Hundred Miles of any Part of the said Coast of the Country aforesaid; and also all the said Soyle, Ground, Havens, Ports, Rivers, Mines, as well Royal Mines of Gold and Silver as other Mines and Minerals, Pearls and Precious Stones, Woods, Quarries, Marshes, Waters, Fishings, Huntings, Hawkings, Fowlings, Commodities, and Hereditaments whatsoever; together with all Prerogatives, Jurisdictions, Royalties, Privileges, Franchises, and Preeminences within any of the said Territories and the Precincts thereof whatsoever: To have, hold, possess and enjoy, all and singular the said Lands and Premises in the said Letters-patents granted, or mentioned to be granted, unto them the said President and Council, their Successors and Assigns forever, to be holden of his Majesty, his Heirs and Successors, as of his Highness's Manor of East-Greenwich, in the County of Kent, in free and common Socage, and not in Capite, or by Knights Service; yielding and paying to the King's Majesty, his Heirs and Successors, the one-fifth Part of all Gold and Silver Oare, that from time to time, and at all times from the Date of the said Letters-patents shall be thus gotten, had, or obtained, for all Services, Duties, or Demands, as in and by his Highness's said Letters-patents amongst divers other Things therein contained, more fully at large it doth and may appear. And whereas the said President and Council, have upon mature Deliberation thought fitt, for the better Furnishing and Furtherances of the Plantation in those Parts, to appropriate and allot to severall and particular Persons, diverse Parcels of Lands within the Precincts of the aforesaid granted Premises by his Majesty's said Letters-patents: NOW THIS INDENTURE WITNESSETH, That the said President and Council, of their free and mutual Consent, as well to the End, that all the Lands, Woods, Lakes, Rivers, Waters, Islands and Fishings, with all the Traffick, Profits, and Commodities whatsoever, to them or any of them belonging, and hereafter in these Presents mentioned, may be wholly and entirely invested, appropriated, served and settled, in and upon the said Captain John Mason, his Heires and Assigns forever, as for divers special Services for the Advancement of the said Plantation, and other good and sufficient Causes and Considerations them especially thereunto moving, have given, granted, bargained, sold, assigned, aliened, set over, enfeoffed, and confirmed, and by these presents, do give, grant, bargain, sell, assign, aliene, set over, enfeof, and confirm unto the said Captain John Mason, his Heires and Assigns, all that Part of the main Land in New-England, lying upon the Sea Coast, beginning from the middle

Part of Merrimack River, and from thence to proceed northwards along the Sea Coast to Piscataqua River, and so forwards up within the said River, and to the furthest Head thereof, and from thence north-westwards, until three Score Miles be finished from the first Entrance of Piscataqua River, and also from Merrimack through the said River, and to the furthest Head thereof, and so forwards up into the Lands westwards until three Score Miles be finished; and from thence to cross over Land to the three Score Miles, and accounted from Piscataqua River, together with all Islands and Islets within Five Leagues Distance of the Premises, and abutting upon the same or any Part or Parcel thereof; as also all Lands, Soyles, Grounds, Havens, Ports, Rivers, Mines, Minerals, Pearls, Precious Stones, Woods, Quarries, Marshes, Waters, Fishings, Huntings, Hawkings, Fowling, and other Commodities and Hereditaments whatsoever, with all and singular their Appurtenances; together with all Prerogatives, Rights, Royalties, Jurisdictions, Privileges, Franchises, Liberties, Preheminences, Marine Power, in and upon the said Seas and Rivers; as also all Escheats and Casualties thereof, as Flotnam, Jetson, Lagan, with Anchorage, and other such Duties, Immunities, Scotts Islets, and Appurtenances whatsoever, with all the Estate, Right, Title, Interest, Claim, and Demand whatsoever, which the said President and Council, and their Successors, of Right ought to have or claim in or to the said Portions of Lands, Rivers, and other the Premises as is aforesaid, by Reason or Force of his Highness's said Letters-patents, in as free, large, ample, and beneficial Manner, to all Intents, Constructions and Purposes whatsoever, as in and by the said Letters-patents the same are amongst other Things granted to the said President and Council aforesaid, except two-fifths of the Oar of Gold and Silver in these Presents hereafter expressed; which said Portions of Lands with the Appurtenances, the said Captain John Mason, with the Consent of the President and Council, intends to name *New-Hampshire*: To HAVE AND TO HOLD all the said Portions of Lands, Islands, Rivers and Premises, and all and singular other the Commodities and Hereditaments hereby given, granted, aliened, enfeoffed, and confirmed, or mentioned, or intended by these Presents to be given, granted, aliened, enfeoffed, and confirmed, with all and singular the Appurtenances and every Part and Parcel thereof, unto the said Captain John Mason, his Heirs and Assigns forever, to be holden of his said Majesty, his Heirs and Successors, as of his Highness's Manor of East-Greenwich in the County of Kent, in free and common Socage, and not in Capite, or by Knights Service; nevertheless with such Exceptions, Reservations, Limitations and Declarations, as in the said Letters-patents are at large expressed: YIELDING and paying unto our Sovereign Lord the King, his Heirs and Successors, the fifth Part of all the Oar of Gold and Silver, that from time to time, and at all times hereafter, shall be there gotten, had, and obtained, for all Services, Duties, and Demands; and also yielding and paying unto the said President and Council, and their

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Successors,

Successors yearly, the Sum of five Shillings, English Money, if it be demanded, and the said President and Council, for them and their Successors, do covenant and grant to and with the said Captain John Mason, his Heirs and Assigns, from and after the Sealing and Delivery of these Presents, according to the Purport, true Intent and Meaning of these Presents, that he shall from henceforth, from time to time forever, peaceably and quietly have, hold, possess, and enjoy, all the aforesaid Lands, Islands, Rivers and Premises, with the Appurtenances, hereby before given and granted, or mentioned or intended to be hereby given and granted, and every Part or Parcel thereof, without any Lett, Disturbance, Denial, Trouble, Interruption, or Eviction, of or by the said President and Council, or any Person or Persons whatsoever, claiming by, from, or under them, or their Successors, or by or under their Estate, Right, Title, or Interest. And the said President and Council, for them and their Successors, do further covenant and grant to and with the said Captain John Mason, his Heirs and Assigns, by these Presents, that they, the said President and Council, shall at all times hereafter, upon reasonable Request, at the only proper Cost and Charges in the Law, of the said Captain John Mason, his Heirs and Assigns, do make, perform, suffer, execute, and willingly consent unto any further Act or Acts, Conveyance or Conveyances, Assurance and Assurances whatsoever, for the good and perfect investing, assuring, conveying, and sure-making of all the aforesaid Portions of Lands, Islands, Rivers, and all and singular the Appurtenances, to the said Captain John Mason, his Heirs and Assigns, as by him, his Heirs and Assigns, or by their, or any of their Council learned in the Law, shall be devised, advised, or required. And further it is agreed, by and between the said Parties to these Presents, and the said Captain John Mason, for him, his Heirs and Assigns, doth covenant to and with the said President and Council, and their Successors, by these Presents, that if at any Time hereafter there shall be found any Oar of Gold and Silver within the Ground, in any Part of the said Premises, that then he the said Captain John Mason, his Heirs and Assigns, shall yield and pay unto the said President and Council, their Successors and Assigns, one-fifth Part of all such Gold and Silver Oar as shall be found in and upon the Premises, and digged and brought above Ground, to be delivered above Ground, and that always within reasonable and convenient Time if it be demanded, after the finding, digging, and getting up of such Oar as aforesaid, without Fraud or Covin, and according to the true Intent and Meaning of these Presents. And the said Captain John Mason doth further covenant for him, his Heirs and Assigns, that he will establish such Government in the said portion of Lands and Islands granted unto him, and the same will from time to time continue, as shall be agreeable as near as may be to the Laws and Customs of the Realm of England; and if he shall be charged at any Time to have neglected his duty therein, that then he will reform the same, according to the Discretion of the President and Council, or in Default thereof, it shall

shall be lawful for any of the aggrieved Inhabitants or Planters, being Tenants upon the said Lands, to appeal to the chief Court of Justice of the said President and Council: And further, that if the said Captain John Mason, his Heirs and Assigns, shall at any Time hereafter aliene these Premises, or any Part, to any foreign Nations, or to any Person or Persons of any foreign Nation, without the especial Licence, Consent, and Agreement of the said President and Council, their Successors or Assigns, that then the Part or Parts of the said Lands so aliened, shall immediately return back again to the Use of the said President and Council: And further, know ye, that the said President and Council have made, constituted, deputed, authorized, and appointed, and in their stead and place do put Captain Walter Neal, or in his Absence, any other Person who shall be their Governor, or other Officer, to be their true and lawful Attorney, and in their Name and Stead, to enter the said Portion of Lands, and other the Premises, with their Appurtenances, or into some Part thereof, in the Name of the whole, for them and in their Name, to have and take Possession and Seizin thereof, or of some Part thereof, in the Name of the whole so had and taken, then for them and in their Names, to deliver the full and peaceable Possession and Seisin of all and singular the said granted premises, unto the said Captain John Mason, or to his certain Attorney or Attornies in that Behalf, according to the true Intent and Meaning of these Presents, ratifying, confirming, and allowing all and whatsoever the said Attorney shall do in and about the premises by these presents. IN WITNESS whereof to one part of this present Indenture, remaining in the Hands of Captain John Mason, the said President and Council have caused their Common Seal to be affixed; and to the other Part of these present Indentures remaining in the Custody of the said President and Council, the said Captain John Mason hath put to his Hand and Seal, given the Day and Year first above written.

A true Copy of the File in the Secretary's Office of New-Hampshire.

Attest. EBEN. THOMPSON, SECRETARY.

[A Patent in the same Words, mutatis mutandis, was granted by Sir William Alexander to Charles St. Estienne, Esq. Seigneur de St. Deniscourt and Baigneux, Son of Sir Claude de St. Estienne, dated at Whitehall, May 12th, 1630, and signed, sealed, and delivered in the Presence of the same Witnesses as the foregoing.]

GRANT

GRANT *from Sir WILLIAM ALEXANDER to Sir CLAUDE*
ST. ESTIENNE.

[Records of Suffolk County, Massachusetts, Lib. No. 3. Fo. 265.]

BE IT KNOWNE to all Men by these present Letters, Me Sir William Alexandre, of Menstry, Knight, his Maiesties Lieutenant and Deputie, within the Bounds, Country, and Dominion of New Scotland in America: Forasmuch as by Vertue of my originall Infestment graunted vnto me of the whole Country and Dominion of New Scotland by our late Soueraigne Lord King James, of euer blessed Memory, dated at Windfor the tenth Day of September, the Yeare of God, Jaj vj and twenty one * Yeares; and by Vertue of my other Infestment granted to me of the same Country and Dominion by our now Soueraigne Lord, Charles, by the Grace of God, King of Great Britaine, France, and Ireland, and dated at the twelue Day of July, the Yeare of God Jai v iand twenty five † Yeares; here is full Power and Authoritie given and graunted vnto me to conferre Titles of Honor within the said Country and Dominions of New Scotland, To and vpon all and whatsomeuer Person or Persons residing and remaining within the said Bounds, as in the said Infestments recited at length is contained. And I the said Sir William Alexander, haueing good Experience of the Worth and Sufficiency of Sir Claude St. Estienne, Knight, Seigneure de la Tour & Vuarfe, and of his great Affection to his Majesties Service; and knowing how in particular he hath vndergone great Travell and Paines to doe his Majestie and me, the said Sir William Alexander, as his Majesties Lieutenant of the said Dominion, good Seruice in advancing and furthering of that Plantacon: Therefore wit yee me, the said Sir William, for the greater Encouragement and vpsturing of him and all others of the like generous Minde to proceede and continue in the same Bentnesse toward the said Plantacon, To have conferred, like as I the said Sir William Alexander, as his Majesties Lieutenant and Deputy aforesaid, and haueing Power and Authoritie as said is (in so farre as my said Power and Authoritie doth or may extend, and no further), doe by these Presents conferr, in and vpon the said Sir Claude St. Estienne, Knight, and his Heyres male of his Body, from tyme to tyme, in all Time coming, the hereditary State, Degree, Order, Name, Dignitie, and Stile of Barronett of New Scotland, with all and sundry

dry Prerogatiues, Priviledges, Precedencies, Conditionnes, and others equally and particularly vnderwritten; and to have made, created, constituted, and ordained, like as I as Lieutenant and Deputie aforesaid, and haueing the Power and Authoritie abouewritten (in so farre as my said Authoritie doth or may extend, and noe further), doe hereby make, create, constitute, and ordaine the said Sir Claude St. Estienne, Knight, and his aforesaid Heires male heritable Barronets of New Scotland, for euer; to haue and enjoy all and fundrie Prerogatiues, Priviledges, and others equally and particularly vnderwritten conceaued in their Fauors, like as also I as Lieutenant, and hauing Power and Authoritie as said is (in so farre as the same Power doth or may extend, and no further), doe hereby giue, graunt, ordaine, will, and declare, that the said Sir Claude St. Estienne, his Heires male whatsoeuer, perpetuallie, shall by Vertue of these Presents, and of the said Estate, Degree, Order, Dignitie, and Style of Barronet of New Scotland, hereby graunted to them, haue, hold, take, and enioye, in all time coming after the day of the Date hereof, within the said Country and Dominion of New Scotland, Place, Prioritie, Precedency, and Preheminency in all and whatsoeuer Comissions, Breues, Letters-patents, Appellances, Nominances, and Writts whatsoeuer: And in all whatsoeuer Sessions, Conventions, Meetings, and Assemblies, at all Times and Occasions, before all Knights already made and created in any Time coming, within the said Countrey and Dominion of New Scotland: And before all Lairds, Esquires, and Gentlemen whatsoeuer (excepting me his Majesties said Lieutenant, and my Heires, being his Majesties Lieutenants of the said Countrey and Dominion of New Scotland, and no otherwise), whose Wiues and Children shall haue and enioye Place and Precedency accordingly: And excepting such Knights Bannerets as shall happen to be made by his Majestie, his Heires or Successors, vnder their Standard and displayed Banner in any Army royall in open Warre, and the King being personnally present, and no otherwise, and that during the Life times of the said Knights Banneretts allanerly, and no longer: And before all Barronetts of New Scotland whatsoeuer, to be made at any Time hereafter, and before their Heires and Successors: And in like Manner, I as Lieutenant, and hauing Power and Authoritie as said is (in so farre as my said Power may extend, and no further), doe hereby will, graunt, appointe, declare, and ordaine, that the Wife and Wives of the said Sir Claude St. Estienne, Knight, and of his Heires males aforesaid, from tyme to tyme for euer, shall by Vertue of these Presents, and of the said Degree, State, and Dignitie of their husbands haue, hold, take, and enioy, in all Time coming, Place, Precedency, Prioritie and Preheminencie, as well during their Husbands' Life times, as thereafter during their owne Life times (in case they shall happen to be the Survivors), before the Wives of all Persons whatsoeuer, before whom the said Sir Claude St. Estienne himselfe, or his said Heires male may or should by Vertue of these

these Presents, or of the said Degree, State, Dignitie, Name, Title or Stile of Barronet of New Scotland hereby graunted to them, haue, hold, take, and enioye Place, Prioritie, Precedency and Preheminency : And before the Wiues of the said Knights Bannereetts before excepted : Because the said Degree and Dignitie of Baronet of New Scotland is an hereditary Degree in Blood : And likewise, that the Sonnes and Daughters of the said Sir Claude St. Estienne, and his said Heyres males for euer, shall by Vertue of these Presents, and of the said Degree and Dignitie of Barronett of New Scotland, hereby graunted to the said Sir Claude St. Estienne, and to his said Heyres male, haue, hold, take, and enioye, Place, Prioritie, Precedency and Preheminency before the Sonnes and Daughters of all Persons before whom the said Sir Claude St. Estienne, and his said Heyres male, may or should take Place and Precedency by Vertue of these Presents, or of the said Degree or Stile of Barronett of New Scotland, and hereby graunted vnto them and before the Sonnes and Daughters of the said Knights Barronets† before excepted : And likewise, that the Wives of the Sonnes of the said Sir Claude St. Estienne, and his said Heires Males in all Time coming, shall haue, hold, take, and enioy Place and Precedency before the Wives of all Persons whatsoeuer, before whom their Husbonds may and should take Place and Precedency, and that as well during their Husbonds' Life times as thereafter. And further, I the saide Sir William Alexander, as Lieutenant, and hauing the Power and Authoritie aforesaid, for me, my Heires and Successors, Lieutenants of the said Countrey (in so farre as our said Authoritie may extend, and no further), doe by these Presents, will, grant, declare, ordaine, and promise, that at what Time and how soone soeuer the eldest Sonne and appearand Heire male of the said Sir Claud St. Estienne, or the eldest Sonne and appearand Heire male of an Heire male succeeding to him, shall attayne to the Age of twenty-one Yeares, that they and each one of them shalbe knighted Knights of New Scotland, and whensoever they or any of them shall require the same : And that the said Sir Claud St. Estienne and his Heyres male shall and may haue and beare for euer hereafter, either in a Canton in their Coates of Armes or in an Escutcheon, at their Election, the Armes of the said Countrey of New Scotland, which are : *Argent a Salteur azur charged with the Royall Escutcheon of Scotland ; which is, Or a Lyon Rampant within a double tre-feur flour contra flour Genelles.* And that the said Sir Claud St. Estienne, and his said Heyres male for euer shall haue Place in all the Armies of his Majestic, his Heyres and Successors, or his Lieutenants, in the Grofesse neere about the royall Standard for the Defence of the same : And that the said Sir Claud St. Estienne,

and

• Perhaps this should be *Bannereetts*, as it is in a similar Patent to Charles St. Estienne, Esq ;

and his said Heires male for euer may and shall haue two Assitants of the Body to support the Pale and principal Mourner, and foure Assitants at their Funeralls. And, that the said Sir Claude St. Estienne, and his Heyres males for euer shalbe named, called, and designed by the Name of

And that in all Scottish Speeches and Writts, this Addition (Sir), and in all other Languages, Speeches, and Writts, the like significant word shalbe permitted to the Names of the said Sir Claude St. Estienne, and his said Heires

males for euer; and that the said Tittle and Stile of Barronet of New Scotland shall be putt to and adjoined to the End of their Surnames in all and sundry Letters-patents, Charters, and other Writts whatsoever, as a true lawfull necessary Addition of Dignitie: And therefore the said Sir Claude St. Estienne now and at all times hereafter shall be named, called, and stiled Sir Claude St. Estienne Seigneur de la Tour and Vuarfe, and Barronett of New Scotland: And also that the Wiues of the said Sir Claude St. Estienne, and of his Heires male for euer, shall have, hold, vse, and enjoy, the Stile, Title, and Appellacon of MADAME, LADIE, and DAME

according to the Vse and Phrase in Speech and Writing. And further, if any Question not hereby cleared shall arise concerning any Place, Precedency, or Prerogatiue due to the said Sir Claude St. Estienne and his Heyres males, their Wiues, Sonnes, Daughters, and Sonnes' Wives, or any of them, that the same shall bee judged and decided (being according to such vsuall Rites, Customes and Lawes) as other Degrees of Dignitie hereditary are judged and decided for Place, Prerogatiue, and Precedencie: And further, that no Person nor Persons whatsoever, shall hereafter be made Barronetts of New Scotland, or preferred to the said Degree or Stile of Barronett of New Scotland, but such as shall first performe the Conditions appointed by his Majestie, for the Furtherance of the Plantacon of the said Countrey, and certifie the same to his Majestie, or his Commissioners, by me his Highness Lieutenant, whom his Majestie hath appointed to see the Performance thereof, or by my Heires and Successors, being his Majestie's said Lieutenants; and moreover, that these Presents are and shall be sufficient and effectuell in all Time coming, in all Points as is above written, to the said Sir Claude St. Estienne, and his Heires males for euer; And to their Wiues, Sonnes, Daughters and Sonnes Wiues and euery one of

them in the Law. And lastly, I the said Sir William Alexander, as Lieutenant and Deputie aforesaid (in so farre as my Power and Authoritie may or can be extended, and no further) for me and my aforesaid Lieutenants above written, doe by these Presents, giue and graunt unto the said Sir Claude St. Estienne, and to his said Heyres

and Successors, for euer, in Signe and token of their said Title of Honor now conferred vpon them, full Power, Libertie, Lycence and Authoritie to wear and carry in an orange tawny Ribband, the Badge and Cognifance of Barronett of New Scot-

land, in Gold enamelled, bearing the Armes of New Scotland, and with the Crowne Royall above, and this Circumscription, *Fax Mentis Honestæ Gloria*, of the same Forme and Fashion, and in the same Manner, and as freely in all Respects as any Barronett of the faide Kingdome of Scotland, or of the said Countrey of New-Scotland, hath heretofore worne or carryed, or at any time hereafter may weare and carry the same according to the Tenore and Purport of his Majesties Letters and Warrant directed or intended for that Purpose, or hereafter to be procured for the same. IN WITNESS whereof (written by William Alexander my Servant) I haue subscribed and delivered thir Pattents (sealed with the great Scale of the said Countrey of New Scotland), at his Majesties Court at Whitehall, the last Day of No- uember, in the Yeare Jaj vj and twentie nine * Yeares. Before these Witnesse, Anthony Alexander and Henry Alexander my Sonnes, and the said William Alex- ander Wrytter hereof.

Signed, Sealed, and Delivered
in the Presents of

William Alexander
and a great Scale appending.

Antho: Alexander,
Hen: Alexander,
Wm. Alexander.

[A Patent in the same Words, mutatis mutandis, was granted by Sir William Alexander to "Charles St. Estienne, Esq; Signeur de St. Denniscourt and Baig-neux," Son of Sir Claude de St. Estienne, dated at Whitehall, May 12th 1630, and signed, sealed, and delivered in the Presence of the same Witnesse as the foregoing.]

PATENT for the OLD COLONY of PLYMOUTH.

[Original.]

To all to whom these Presents shall come, Greeting :

WHEREAS our late Sovereigne Lorde Kinge *James*, for the Advancement of a Collonie and Plantacon in the Country called or knowne by the Name of *New-England* in *America*, by his Highnes Letters-patents vnder the Greate Scale of Englande, bearinge Date at Westminster, the Third Day of November, in the
Eighteenth

Eighteenth Year of his Highnes' Raigne of Englande, &c. *Did giue*, graunte, and confirme vnto the Right Honourable Lodowick, late Lord Duke of Lenox, George, late Lord Marques of Buckingham, James, Marques Hamilton, Thomas, Earle of Arundell, Robert, Earle of Warwicke, Sir Ferdinando Gorges, Knight, and diuerſe others, whoſe names are expreſſed in the ſaid Letters-patents, and their Succeſſors, That they ſhould bee one Bodie Politique and Corporate perpetually, conſiſtinge of Forty perſons, and that they ſhould have perpetuall Succeſſion, and one Common Seale to ſerue for the ſaid Body; and that they and their Succeſſors ſhould be incorporated, called, and known by the Name of the Councell eſtabliſhed at Plymouth, in the County of Devon, for the plantinge, ruleinge, orderinge, and gouerninge of *New-Englande*, in America: And further alſoe of his ſpetiall Grace, certaine Knowledge, and ineer Motion, *Did giue*, graunte, and confirme vnto the ſaid Preſidente and Councell, and their Succeſſors foreuer, vnder the Reſervacons, Limitacons, and Declaracons in the ſaid Letters-patents expreſſed, all that parte and portion of the ſaid Cuntry, now called *New-England* in *America*, ſcituat, lyinge, and being in breadth from Fourty Degrees of northerly Latitude from the *Æquinoctiall* Line, to Fourty-Eight Degrees of the ſaid northerly Latitude incluſively, and in length of and in all the Breadth aforeſaide throughout the maine Lande from Sea to Sea; togeather alſoe with all the firme Landes, Soyles, Grounds, Creeks, Inletts; Hauens, Portes, Seas, Rivers, Iſlands, Waters, Fiſhinges, Mynes and Mineralls, aſwell Royall Mines of Gold and Siluer, as other Mines and Mineralls, Pretious Stones, Quarries, and all and ſinguler the Commodities, Jurisdiccons, Royalties, Priueledges, Franchiſes, and preheminencies, both within the ſaide Traēt of Land the Maine, as alſoe within the ſaid Iſlands and Seas adjoininge, *To haue, holde, poſſeſſe*, and enjoy, all and ſinguler the foreſaide Continent, Lands, Territories, Iſlands, Hereditaments, and Precincts, Sea, Waters, Fiſhinges, with all and all Manner their Commodities, Royalties, Priueledges, Preheminencies, and Proſſitts that ſhall ariſe from thence, with all and ſinguler their Appurtenances, and every parte and parcell thereof, vnto the ſaid Councell, and their Succeſſors and Aſſignes foreuer; to be holden of his Maieſtie, his Heires and Succeſſors, as of his Manor of *Eaſt-Greenwicke*, in the County of Kente, in free and common Sockage, and not in Capite, or by Knight's Service: *Teeldinge and payinge* therefore to the ſaid late King's Maieſtie, his Heires and Succeſſors, the fifte parte of the Oare of Gold and Silver, which from tyme to tyme, and at all tymes, from the Date of the ſaid Letters-patents, ſhalbe there gotten, had and obtained, for and in reſpect of all and all manner of Duties, Demands, and Services whatſoeuer, to be done, made and paid vnto his ſaid late Maieſtie, his Heires and Succeſſors, as in and by the ſaid Letters-patents, amongſt ſundry other priueledges and Matters therein contained, more fully and at large it doth and may appeare: *Now know yee*, that the ſaid Councell by Vertue and Authority of his ſaid late Maieſtie's Letters-

pattents, and for and in Consideracon, that William Bradford and his Associatts, have for these nine Yeares liued in *New-Englande* aforesaid, and have there inhabited and planted a Towne, called by the Name of *New-Plimouth*, att their owne proper Costs and Charges; and now seeinge that by the speiall Prouidence of God, and their extraordinary Care and Indvstry, they have encreased their Plantacon to neere three hundred People, and are vppon all Occasions able to relieue any new Planters, or other his Majestie's Subiects, whoe may fall vppon that Coast; Have given, grauntd, bargained, sould, enfeofed, allotted, assigned, and set ouer, and by these Presents doe cleerely and absolutely give, graunte, bargaine, sell, alien, enfeoffe, allot, assigne, and confirme vnto the said William Bradford, his Heires, Associatts, and Assignes, all that Parte of *New Englande* in *America* aforesaid, and Tracte and Tractes of Lande that lye within or betweene a certaine Rivolett or Rundlett there, commonly called *Coahassett*, alias *Conahassett*, towards the north, and the River commonly called *Naragansetts* River towards the South, and the great Western Ocean towards the East, and betweene and within a straight line directly extendinge upp into the maine Land towards the West, from the mouth of the said River called *Naragansetts* Riuer, to the vtmost Limitts and Bounds of a Cuntry or Place in *New Englande*, commonly called *Pokenacutt*, alias *Sowamsett*, westward, and another like straight Line, extending itself directly from the Mouth of the said River called *Coahassett*, alias *Conahassett*, towards the West soe farr upp into the maine Lande Westwards, as the utmost Limitts of the said Place or Cuntry, commonly called *Pokenacutt*, alias *Sowamsett*, doe extend together with one half the said Riuer called *Naragansetts*, and the said Rivolett or Rundlett called *Coahassett*, alias *Conahassett*, and all Lands, Riuers, Waters, Hauens, Creeks, Ports, Fishings, and all Hereditaments, Proffitts, Comodities, and Emoluments whatsoeuer, situate, lyinge, and beinge, or arisinge within or betweene the said Limitts and Bounds, or any of them. And forasmuch as they have noe convenient Place, either of Tradinge or Fishinge within their owne precincts, whereby (after soe longe Travell and great Paines) soe hopefull a Plantacon may subsiste, as alsoe that they may be encouraged the better to proceed in soe pious a Worke, which may especially tend to the Propagation of Religion, and the great Increase of Trade to his Majesties Realmes and Advauncement of the publike Plantacon: The said Councell haue further given and graunted, bargained, sold, enfeofed, allotted, assigned, and sett over; and by these Presentes doe cleerely and absolutely give, graunte, bargaine, sell, alien, enfeoffe, allot, assigne, and confirm vnto the said William Bradford, his Heires, Associatts, and Assignes, All that Tracte of Lande or Parte of *New Englande* in *America* aforesaid, which lyeth within or betweene, and extendeth itself from the vtmost Limitts of *Cobbiseconte*, alias *Comyssec-conte*, which adjoineth to the River of *Kenebeke*, alias *Kenebekike*, towards the Western Ocean, and a Place called the Falls att *Nequamkike*, in *America* aforesaid, and the Space of
fifteene

fifteene Englishe Miles on each Side of the said River commonly called *Kenebek* River, and all the said River called *Kenebek*, that lies within the said Limitts and Bounds eastward, westward, northward, or southward laste aboue menconed; and all Grounds, Soyles, Riwers, Waters, Fishinges, Hereditaments, and Profits whatsoeuer, scituat, lyinge and beinge, arisinge, happeninge, or accruinge, or which shall arise, happen, or acerue, in or within the said Limitts and Boundes, or either of them; togeather with free Ingresse, Egresse, and Regresse with Shipps, Boates, Shallops, and other Vessels from the Sea commonly called the Western Ocean, to the said Riuer called *Kenebek*, and from the said Riuer to the said Western Ocean; togeather with all Prerogatives, Rights, Royalties, Jurisdiccions, Priuiledges, Franchises, Liberties and Ymunities; and also marine Liberty, with the Escheats and Casualties thereof (the Admiralty Jurisdiccon excepted) with all the Interest, Right, Title, Claim, and Demaund whatsoever which the said Councell and their Successors now haue, or ought to haue and claime, or may haue and acquire hereafter in or to any the said Porcons or Tractes of Land hereby menconed to be graunted, or any the Premisses, in as free, large, ample, and beneficiall Manner to all Intents, Construccions, and Purposes whatsoever, as the said Councell by Vertue of his Majesties said Letters-patents may or can graunte. To HAVE AND TO HOLDE the said Tracte and Tractes of Lande, and all and singuler the Premisses abouemenconed to be graunted, with their and every of their Appurtenances, to the said William Bradford, his Heires, Associatts, and Assignes for ever, to the only proper and absolute Use and Behoofe of the said William Bradford, his Heires, Associatts, and Assignes for ever; YEELDINGE and paying vnto our said Soueraigne Lord the Kinge, his Heires and Successors for ever, one-fifte Parte of the Oare of the Mines of Gold and Siluer, and one other fifte Parte thereof to the Presidente and Councell, which shalbe had, possessed, and obtained within the Precincts aforesaid, for all Services and Demaunds whatsoever. And the said Councell doe further graunte and agree to and with the said William Bradford, his Heires, Associates, and Assignes, and every of them, his and their Factors, Agents, Tenants, and Servants, and all such as he or they shall send and employ aboute his said particular Plantacon, shall and may, from tyme to tyme, freely and lawfully goe and returne, trade and traffique, as well with the Englishe, as any of the Natiues within the Precincts aforesaid; with Liberty of fishing vpon any Parte of the Seacoaste and Sea-shores of any of the Seas or Islands adiacent, and not beinge inhabited, or otherwise disposed of by Order of the said Presidente and Councell; alsoe to importe, exporte and transpote their Goods and Merchandize att their Wills and Pleasuers, paying only such Duty to the King's Majestie, his Heires and Successors, as the said Presidente and Councell doe or ought to pay without any other Taxes, Impositions, Burdens, and Restraints vpon them to be imposed. And further, the said

said Councell doe graunte and agree to and with the said William Bradforde, his Heires, Affociats, and Assignes, That the Persons transported by him or any of them shall not be taken away, ymployed, or commanded, either by the Governor for the Tyme beinge, of *New Englande*, or by any other Authority there, from the Busines and Employmente of the said William Bradford and his Affociats, his Heires and Assignes, necessary Defence of the Cuntry, Preservacon of the Peace, suppressing of Tumults within the Lands, Trialls in Matters of Justice by Appeale vpon speciall Occasion only excepted. Alsoe it shalbe lawfull and free for the said William Bradford, his Affociats, his Heires and Assignes, att all tymes hereafter, to incorporate by some vsuall or fitt Name and Title, him or themselves, or the People there inhabitinge vnder him or them, with Liberty to them and their Successors, from tyme to tyme to frame and make Orders, Ordinances, and Constitutcons, as well for the better Governement of their Affaires here, and the receavinge or admitting any to his or their Society; as alsoe for the better Government of his or their People and Affaires in *New Englande*, or his and their People att Sea in goinge thither, or returninge from thence, and the same to putt or cause to be putt in Execucon by such Officers and Ministers as he and they shall authorise and depute; Provided that the said Lawes and Orders bee not repugnant to the Lawes of Englande, or the Frame of Governement by the said Presidente and Councell here after to be established. And further it shalbe lawfull and free for the said William Bradford, his Heires, Affociats, and Assignes, to transporte Cattle of all Kindes, alsoe Powder, Shott, Ordnance and Municon, from tyme to tyme as shalbe necessary for their strength and safety hereafter, for their severall Defence to encounter, expulse, repell, and resiste by Force of Armes, as well by Sea as by Lande, by all waies and Meanes whatsoever; and by Virtue of the Authority to Us derived by his said late Majestie's Letters-patents, to take, apprehend, seize, and make prize of all such Persons, their Shippes and Goods, as shall attempt to inhabit or trade with the savage People of that Cuntry within the feuerall Precincts and Limits of his and their feuerall Plantacon, or shall enterprife or attempt att any tyme Destruccion, Invasion, Detrimente, or Annoyance to his and their said Plantacon, the one Moiety of which Goods foe seized and taken, it shall be lawfull for the said William Bradford, his Heires, Affociats and Assignes, to take to their owne Vse and Behoofe; the other Moyety thereof to be delivered by the said William Bradford, his Heires, Affociats, and Assigns, to such Officer and Officers, as shall be appointed to receive the same for his Majestie's Vse. And the said Councell do hereby covenante and declare, that it is their Intente and Meaninge for the good of this Plantacon, that the said William Bradford, his Affociats, or their Heires or Assignes, shall have and enjoy whatsoever Priuiledge or Priuiledges of what kinde soeuer, as are expresseed or intended to be graunted in and by his said late Majestie's Letters-patents, and that in as large

and

and ample manner as the said Councell thereby now may or hereafter can graunte (coyninge of Money excepted): And the said Councell, for them and their Successors, doe covenante and graunte to and with the said William Bradford, his Heires, Affociats, and Assignes, by these Presents, that they the said Councell shall, at any tyme hereafter, vppon Request att the only proper Costs and Charges of the said William Bradford, his Heires, Affociats, and Assignes, do, make, suffer, execute, and willingly consent vnto any further Aste or Astes, Conveyance or Conveyances, Assurance or Assurances whatsoever, for the good and perfect inuestinge, assureinge and conveyinge, and sure-makinge of all the aforesaid Traкте and Traќtes of Lande, Royalties, Mines, Mineralls, Woods, Fishinges, and all and singuler their Appurtenances vnto the said William Bradford, his Heires, Affociates and Assignes, as by him or them, or his or their Heires and Assignes, or his or their Councell learned in the Lawe, shall be devised, advised and required. *And lastly, know yee,* that wee the said Councell have made, constituted, deputed, authorised and appointed Captaine *Myles Standish*, or in his absence, *Edward Winslowe*, *John Howlande*, and *John Alden*, or any of them, to be our true and lawfull Attorney and Attornies, jointly and severally, in our Name and Stead, to enter into the said Traќte and Traќtes of Lande, and other the Premisses, with their Appurtenances, or into some parte thereof, in the Name of the whole, for us, and in our Names to take possession and seisin thereof; and after such possession and seisin thereof, or of some parte thereof, in the Name of the whole had and taken then for vs and in our Names to deliver the full and peaceable possession of all and singuler the said menconed to be granted premisses vnto the said William Bradford, his Heires, Affociats, and Assignes, or to his or their certaine Attorney or Attornies in that Behalf, ratifying, allowinge, and confirminge all whatsoever our said Attorney shall doe in or about the premisses. *In Witnes* whereof, the said Councell established at Plymouth, in the County of Devon, for the plantinge, ruleinge, orderinge, and gouerninge of *New Englande in America*, Have herevnto putt their Seale, the Thirteenth Day of January, in Fifte Yeare of the Raigne of our Soueraigne Lord *Charles*, by the Grace of God, Kinge of England, Scotland, Fraunce, and Ireland, Defender of the Faithe, &c. Anno Dni. 1629.

R. WARWICK.

A large Seal, appendant by a Label of Parchment.

Endorsed.—The within named John Aldin, authorised as Attorney for the within mentioned Counfill, haveing in their name and stead entered into some parte of the within mentioned Traќtes of Land, and other the premisses, in the name of the whole, and for them, and in their Names taken possession and seazin thereof, did in the Name of the said Counfill, deliver the full and peaceable possession and seazin of all and singular

gular the within mentioned to be graunted premisses vnto William Bradford, for him, his Heires, Associates, and Assignes; Secundum formam Cartæ.

In Prefence of
JAMES CUDWORTH,
WILLIAM CLARK,
NAHANIEL MORTON, *Secretary*.

A true Copy of the Original now in my Possession,

Attest. JOHN COTTON,
Register and Keeper of Plymouth Colony Records.

AN ABSTRACT of the MUSCONGUS or LINCOLN GRANT.

[Records of Deeds, Province of Main. Lib. 10. Fo. 236.]

THE Council established at Plymouth in the County of Devon, &c. "for divers good Causes—grant—unto John Beauchamp of London, Gentleman, and Thomas Leverett of Boston, in the County of Lincoln, Gentleman, all and singular those Lands," &c. "in New England—situate—within or between a "Place thence commonly called or known by the Name of Musfrongruffs towards the "South, or south-west, and a streight Line extending from thence directly ten Leauges "—up—into the maine Land, and contains theree toward the great Sea, commonly called the South Sea, and the utmost Limmits of the Space ten Leauges "on the North and north-east of a River in New England aforefaid, "commonly called Penobscott, towards the North, and north-east, and great Sea "commonly called the Western Ocean, towards the East, and a strait and direct "Line extending from the most western Part and Point of the said Straight Line, "which extends from Mecongofs aforefaid towards the South Sea, to the uttermost "Notheram Limmits of the said ten Leagues on the north side of the said River "of Penobscott towards the west, and all Land and Ground, Wood, Soiles," &c. "that ly and bee within the Space of * three Miles within the Space of said "Land

* Perhaps this Part which appears obscure may be elucidated by a Reference to a subsequent Grant (dated August 14th 1719) from John Leverett, Great-grandson of Thomas Leverett, one of the Grantees above-mentioned, in which this is particularly recited. The Words there are "on the north Side of the said River of "Penobscott towards the West, together with all Islands that ly and bee within the Space of three Miles of the said "Lands and Premises, or any of them, with the Soils," &c.

There are evident Marks of Carelessness in recording the Grant from the Council of Plymouth.

“ Land and Premisses or any of them ; To have and to hold the—Premisses—unto the
 “ said John Beauchamp and Thomas Leverett, their Heirs, Associates, and Assigns
 “ for ever—to their Use—to be holden of the King’s—Majesty—as of his Manner of
 “ East-Greenwich by Fealtie only and not in Capite nor by Length of Service, yeild-
 “ ing—unto his Majesty—the fifth Part of” the “ Oare of Gold and Silver—gotten
 “ upon the Premisses.”—Dated the thirteenth Day of March 1629.”

(Signed)

R. WARWICK.

A Seal appendant.

THE HUMBLE REQUEST *of his Majesties Loyall Subjects,*
the Governour and the Company late gone for NEW ENGLAND ; to the
Rest of their Brethren in and of the Church of England ; for the obtaining
of their Prayers, and the Removall of Suspensions, and Misconstructions of
their Intentions.

[Hubbard's M. S. History, Fo. 94.]

REVEREND FATHERS AND BRETHREN,

THE generall Rumour of this solemn Enterprife, wherein ourselves with others, through the Providence of the Almighty, are engaged, as it may spare us the Labour of imparting our Occasion unto you, soe it gives us the more Incouragement to strengthen ourselves by the Procurement of the Prayers and Blessings of the Lord's faithful Servants: For which End wee are bold to have Recourse unto you, as those whom *God* hath placed nearest his Throne of Mercy; which as it affords you the more Opportunitie, soe it imposeth the greater Bond upon you to intercede for his People in all their Straights; wee beseech you therefore by the Mercies of the LORD JESVS to consider us as your Brethren, standing in very great Need of your Helpe, and earnestly imploring it. And howsoever your Charitie may have met with some Occasion of Discouragement through the Misreport of our Intentions, or through the Disaffection, or Indiscretion, of some of us, or rather amongst us: for wee are not of those that dreame of Perfection in this World; yet wee desire you would be pleased to take Notice of the Principals, and Body of our Company, as those who esteeme it our honour to call the *Church of England*, from whence wee rise, our

deare Mother, and cannot part from our native Countre, where she specially resideth, without much Sadnes of Heart, and many Tears in our Eyes, ever acknowledging that such Hope and Part as we have obtained in the common Salvation, we have received in her Bosome, and suckt it from her Breasts: wee leave it not therefore, as loathing that milk wherewith we were nourished there, but blessing God for the Parentage and Education, as Members of the same Body, shall alwayes rejoyce in her Good, and unfeignedly grieve for any Sorrow shall ever betide her, and while we have Breath, sincerely desire and indeavour the Continuance and Abundance of her Welfare, with the Inlargement of her Bounds in the Kingdome of CHRIST JESVS.

Be pleased therefore *Reverend FATHERS and BRETHREN* to helpe forward this Worke now in Hand; which if it prosper, you shall bee the more glorious, howsoever your Judgment is with the LORD, and your Reward with your GOD. It is an usuall and laudable Exercise of your Charity, to comend to the Prayers of your Congregations the Necessities and Straights of your private Neighbours: Doe the like for a Church springing out of your owne Bowells. We conceive much Hope that this Remembrance of us, if it be frequent and fervent, will be a most prosperous Gale in our Sailes, and provide such a Passage and Welcome for Us, from the God of the whole Earth, as both we which shall finde it, and yourselves, with the rest of our Friends, who shall heare of it, shall be much enlarged to bring in such daily Returnes of Thanksgivings, as the Specialties of his Providence and Goodnes may justly challenge at all our Hands. You are not ignorant, that the Spirit of God stirred up the Apostle *Paul* to make continual Mention of the Church of Phillippi (which was a Colonie from Rome) let the same Spirit, we beseech you, put you in Mind, that are the Lord's Remembrancers, to pray for us without ceasing (who are a weake Colony from yourselves) making continuall Request for us to God in all your Prayers.

What we intreat of you that are the Ministers of God, that we also crave at the Hands of all the Rest of our Brethren, that they would at no Time forget us in their private Solicitations at the Throne of Grace.

If any there be, who through Want of cleare Intelligence of our Course, or tendernesses of Affection towards us, cannot conceive so much of our Way as we could desire, we would intreat such not to despise us nor to desert us in their Prayers and Affections, but to consider rather, that they are so much the more bound to expresse the Bowels of their Compassion towards us, remembering alwaies that both Nature and Grace, doth ever Binde us to relieve and rescue with our utmost and speediest Power, such as are deare unto us, when wee conceive them to be running uncomfortable Hazards.

What Goodnes you shall extend to us in this or any other Christian Kindnesse, wee your Brethren in CHRIST JESVS shall labour to repay in what Dutie wee are

or shall be able to performe, promising, so farre as God shall enable us, to give him no Rest on your Behalfes, wishing our Heads and Hearts may be Fountains of Tears for your everlasting Welfare, when we shall be in our poor Cottages in the Wildernesse, over-shadowed with the Spirit of Supplication, through the manifold Necessities and Tribulations which may not altogether unexpectedly, nor, we hope, unprofitably befall us. And so commending you to the Grace of God in CHRIST, wee shall ever rest,

Your assured Friends and Brethren,

From Yarmouth, aboard

the *Arabella*, April 7, 1630.

John Winthroe, Gov.

Charles Fines,

George Phillips.

&c.

Rich: Saltonstall.

Isaac Johnson.

Tho: Dudley.

William Coddington.

&c.

GRANT from Sir WILLIAM ALEXANDER to Sir CLAUDE
ST. ESTIENNE.

[Records of Suffolk County, Massachusetts, Lib. No. 3. Fo. 265.]

IN the Name of God, Amen. Know all those who these Letter-patents shall see, or shall heare read, that vpon this present thirtie Day of Aprill, in the Yeare of our Lord One Thousand Sixe Hundred and Thirtie, before me Jos. Maynet, Notary and Tabellion Royall, dwelling in London, admitted and sworne by the Authoritie of our Soueraigne Lord the King, and in the Presence of the Witnesses herevnder named, were present in Person, my Lord William Alexander, Knight, Lord of Menstrie, and Chiefe Secretary of State for the Kingdome of Scotland, for his said Majestie of Great Britany, Priny Counsellor of State, and Lieutenant unto his said Majestie in New Scotland in America, on the one part; who, haueing by Letters-patents from his said Majestie, vnder the Great Seale of Scotland, the Donation of all the said Countrey of New Scotland, called by the French, the Countrey of Accadye in America, vnto him and his Heyres in Fief and perpetuall Inheritance, bearing Date the Tenth of the Moneth of September, in the Yeare One Thousand Sixe Hundred Twentie and One, he hath out of the Respect

and Amitie which he beareth vnto Sir CLAUDE DE SAINT ESTIENNE, Knight, Lord of La Tour, and of Vuarre, and vnto Charles de Saint Estienne, Esq. Lord of Saint Denicourt, his Sonne, on the other Parte, the said Sir Claude de St. Estienne being present, accepting, and by these Presents stipulating for his said Sonne Charles being absent, and for their Heyres, and as well for the Merit of their Persons, and for their Assistance to the better Discouery of the said Countrey, and vpon other Consideracons, the said Lord Alexander hath giuen, and by these Presents franckly and freely doth giue vnto the said Knight de La Tour, and vnto his said Sonne, and vnto their Heyres, they seeing Cause, perpetually and foreuer to dispose of as of their owne Propertie, true and loyall Acquest and Conquest, all the Countrey, Coasts and Islands, from the Cape and River of Ingogon, nere vnto the Clouen Cape, in the said New-Scotland, called the Coast and Countrey of Accadye, following the Coast and Islands of the said Countrey towards the East vnto Port de la Tour, formerly named L'omeroy, and further beyond the said Port, following along the said Coast vnto Mirliquefche nere vnto and beyond the Port and Cape of L'Heue, drawing forward fifteen Leagues within the said Lands towards the North, of all the which said Lands and Seas, the said Knight de la Tour and his Sonne, shall receive all the Fruits, Profits, Emoluments, that may provene generally and whatsoeuer, as of their owne proper and loyal Acquest, in all Right and Jurisdiction and priuiledges whatsoeuer, as much or more then any Marquifs, Earle, or Baron holds or rayseth from the Crowne of Scotland, according to the Laws or Letters-patents vnto the said Lord Alexander, and vnto them graunted by the Kings of Scotland, within the which Countrey, Lands and Seas aboue named, they may make, build and erect Villages, Townes, and Castles, and Fortresses, as they shall see good, which said Knight de la Tour, and his said Sonne, shall hold and enjoye all the said Countrey here aboue within the said Limitts named, from the King, and the Succession of the said Crowne of Scotland, in Fief and Title of Honor, and Right of Inheritance *with** the said Sir William Alexander to them, by Vertue of the Power to him, by the said Patents giuen, hath erected and entituled by two Baronnies, namely the Baronny of Saint Estienne, and the Baronny of de la Tour, which may be limited and bounded equally betweene the said Knight de la Tour and his said Sonne, if they shall see cause, vpon Condition that the said Knight de la Tour and his said Sonne, as he hath promised, and for his said Sonne by these Presents doth promise to be good and faithfull Vassalls of the said Sovereigne Lord the King of Scotland, and † *their* heyres and Successors; and to giue vnto him all Obedience and Assistance to the reducing of the People of the said Countrey, and to entertaine good Amitie and

* I apprehend this should be *with*.

† *his*.

and Correspondencie with the said Lord Alexander, and his Heyres, and all his Subjects which there shall be planted and resident, and shall maintaine good and faithfull Societie and Vnion, and the Respect due vnto the said Lord Alexander, as vnto the Lieutenant of the King, the said Lord Alexander promising also on his Part Amitie, Societie, Correspondency, Assistance and Protection, from his said Majestie, and from himselfe his Lieutenant. Furthermore, and ouer and aboue the said Lord Alexander graunteth vnto the said Knight de la Tour, and vnto his said Sonne, and unto their Heyres and Successors and Assignes foreuer, the Right of Admiraltie in all the Extent of their said Lands and Limits. The said Lord Alexander, and Knight de la Tour, to hold and fulfill the Contents of what is aboue, without euer in any Sort whatsoeuer violating thereof, and vpon the obliging of all their Goods present and to come, vpon the Penaltie of the Ordinances appointed by the Lawes established on the one Part, and the other to the Violater hereof, the said Lord Alexander promising ouer and aboue, to make, or cause to be made, more ample Writing in good and due Forme, according and conformably vnto the said Letters-patents vnto him graunted by his said Majestie, whereof a Coppy collationed with the Originall, shall be giuen unto the said Knight de la Tour, and his said Sonne; and the said Lord Alexander shall cause these Presents to be agreed vnto, and ratified by his said Majestie, vnder the Great Seale of Scotland, if Need shall require: In Witnes of the Truth hereof, there are two Writings of the same Tenor, made and indented, which each Partie hath respectiuelly signed, sealed, and deliuered, this made and passed in Martin's Lane, nere vnto this Cittie of London, in the Presence of Sir Alexander Strachan, Baronet of Thornton, George Angush, Peter James, and Richard Grimes, Witneses hereunto called and admitted.

Signed,

W. ALEXANDER. A little Seale.

PETER JAMES.

A. STRACHAN,
 RICH. GRIMES,
 The Mark A of
 GEORGE ANGUSH,

A Great
 Sealeingreen
 Wax affixed,
 and pendant
 below.

In Testimony of the Premisses, I the aboue named Notary being required, have signed this present Instrument, with my Manuall vsuall Signe. I doe approue of these Words (their Heires and Rich. Grimes) being interlined.

Endorced

Endorced.

WEE the the Vnder-signers, doe certifie that Josh: Maynet, who hath vnder-signed this Instrument here before written with his owne Hand, is a Notary Royall, dwelling at London by the Authoritie of the King our Sovereigne, sworne and admitted, and that full Faith and Credit ought to be giuen both in Judgement and out of the same vnto the Acts, Instruments, and other Writings by him so vnder-signed, made at London, the 30th Day of Aprill, 1630.

CAROLUS DEMETRIUS, Not. Pub.

THO. DE WAINTER, Not. Pub.

This Deede before mentioned being translated hath beene read, and compared with the Originall in French by mee, and I finde it no Way differing in Subtance therefrom. 27: 6: 1659.

JO: ENDECOTT, Governor.

[The foregoing *Record* has not the Signature of the Person of whom it is certified, that he is a "Notary Royall," but the Record of "the Originall in French," (which now is hardly, if at all legible, on Account of the Peculiarity of the Orthography, and numerous contractions) is signed

JOSHUA MANIET, Not. Pub. Cur.
1630.

A GENERAL COURT *holden at Boston the 19th of October,*
1630.

[Massachusetts's Records.]

FOR the Establishing of the Government it was propounded, if it were not the best Course that the Freemen should have the Power of chusing Assistants when there are to be chosen, and the Assistants from among themselves to chuse a Gouvernour and Deputy Gouvernour; who with the Assistants should have the Power of making Laws, and chusing Officers to execute the same. This was fully assented unto by the general Vote of the People and Erection of Hands.

A PRO.

A PROCLAMATION *forbidding the disorderly trading with the Salvages in NEW ENGLAND in AMERICA, especially the furnishing the Natives in those and other Partes of AMERICA by the English, with Weapons and Habiliments of Warre.*

[Rymer, Vol. XIX. P. 210. A. D. 1630.]

WHEREAS a Proclamation was heretofore published by our deere Father, *King James*, of blessed Memorie, in the *Twentieth Yeare of his Reigne*, for the better Suppotation and Reiglement of the Plantations within our Territories of *New England in America*, whereby amongst diverse other Things, the insufferable Abuses committed by divers interlopeing and irregular Merchants, and disobedient Filthermen and Marriners were prohibited, whoe, seeking only their present and private Profit, did trade with the Salvages of that Country, and to the greate Prejvdice and danger of our loveing Subjects the Planters there, did barter away to the Salvages, Swordes, Pikes, Musketts, Fowling Peeces, Match, Powder, Shott, and other warlike Armes, Weapons, and Munition, and teach them the Use thereof, not onely to their own present Ruine (divers of them having been slaughtered by the barbarous People, with their own Weapons formerly sould by them) but alsoe to the greate Hazard of the Lives of the *English* already planted there, and to the apparent Destruction of that hopefull Plantation : Wee being informed that these Abuses are still continued to the endangering of that Plantation, and that the like Abuses are likewise practised in other Forraigne Plantations, out of our princely Care for the prosperity of these Colonies, which being well governed, may be of great Use to this Nation; for the Reformation and Prevention of these and the like Enormities for the future, and to the End that the Royall Graunt of our late Father, to the President and Councell of *New England* aforesaid, may be mainteyned and upholden; and that the planters there, and Adventurers thither, may be encouraged by all good Waies and Meanes to proceed in their worthie Designes, have thought it fit, and doe hereby straightly charge and commaund, that none of our Subjects whatsoever (who are not Adventurers, Inhabiters, or Planters, authorized by our President and Councell for *New England*, according to the said Letters-Patents, doe presume from henceforth to frequent those Coasts to trade and traffique at all with the native People of those countries, or to intermeddle with the Woods or Grounds of any of the Planters, or *English* Inhabitants there, otherwise then by the Lycence of the said President and Councell, or for the necessary Use of their Fishing on those Coasts, in which Case of Fishing, or under Cullor thereof, they are not to use anie

Trade

Trade or Traffique there, nor to challenge any Right to the Soyle there, or the Woods growing or being therein; and especially Wee do charge and commaund, that neither any Interlopers, Fishermen or Marriners, or any other of our Subjects whatsoever being of the said Companie of *New England*, or otherwise, doe at any time hereafter dare to sell, barter, or any Waies to deliver or convey unto any of the Salvages or Natives of *America*, where any of our *English* Colonies are or shall be planted, any Weapons or Habiliments of War, of any Kind whatsoever, or to teach them or any of them the Use of Guns, or how to make or amend them, or any thing belonging to them, upon Paine of our high Indignation, and the Confiscation, Penalties and Forfeitures exprest in the said royal Graunt of our said Father, wherein we shall proceed against those who have offended or shall offend in anie of the Premisses, in such Manner and Measure as the qualitie of their Offences shall deserve. And yet further, Wee leave it to the Discretion of the said President and Councell for *New England*, and to other the Governors and Councell in any other foreigne *English* Colonie, in their severall Places respectively, to proceed against the Offendors in any the Kyndes aforesaid, according to the Powers already graunted unto them, and according to our Lawes in that Behalfe.

Given at our Court at Whitehall, the *fower-and-twentieth Day of November*.

PER IPSUM REGEM.

A SPECIAL COMMISSION to EDWARD Earle of Dorsett,
and others, for the better Plantation of VIRGINIA.

[Rymer, Vol. XIX. Page 301. A. D. 1631.]

CHARLES, by the Grace of God, King of England, Scotland, France and Ireland, Defendor of the Faith, &c. To our right trustie and welbeloved Cosens and Councillors, *Edward Earle of Dorsett*, Lord Chamberlaine to our dearest Confort the Queen, *Henry Earle of Danbye*, and *Dudley Viscount Dorchester*, one of our principall Secretaries of State, To our right Trustie and welbeloved Counsellor Sir *John Coke*, Knight, one other of our principal Secretaries of State, To our trustie and welbeloved Sir *John Davers*, Knight, Sir *Robert Killigrew*, Knight, Chamberlaine to our dearest Confort the Queen, Sir *Thomas Rowe*, Knight, Sir *Robert Heath*, Knight, our Attorney Generall, Sir *Heneage Finch*, Knight, Recorder of our Cittie of London, Sir *Dudley Digges*, Knight, Sir *John Wolstenholme*, Knight

Knight, Sir *Francis Wiatt*, Knight, Sir *John Brooke*, Knight, Sir *Kenelm Digby*, Knight, Sir *John Zouch*, Knight, *John Bankes*, Esquire, *Thomas Gibb*, Esquire, *Samuel Rot*, Esquire, *George Sands*, Esquire, *John Wolstenholme*, Esquire, *Nicholas Farrar*, Esquire, *Gabriel Barber*, Esquire, and *John Farrar*, Esquire, Greeting; Whereas diverse and sundry Commissions have bene issued heretofore, under the Greate Seale of *England*, touching the Plantation in *Virginia*, to some of you and others, which have taken not that good Effect hitherto which was expected; and whereas Wee intend, for the better Advancement of that Plantation, that some settled Course may be advised upon and established, as well for the settling of the Interest of the present Planters and Adventurers there, as for the encouraging of such others, as shall and will be willing to become Planters and Adventurers there hereafter, and for their better Directions how to employe their Tyme and Endeavours for the general Good of this Kingdom, as well as for their own particular Benefit: Knowe yee that Wee, reposing especial Trust and Confidence in the approved Wisdomes, Dexterities, Experiences, Fidelities, and Integrityes of you the said *Earle of Dorset*, *Earle of Danby*, *Viscount Dorchester*, *Secretarie Coke*, *Sir John Davers*, *Sir Robert Killigrew*, *Sir Thomas Rosoe*, *Sir Robert Heath*, *Sir Hencage Finch*, *Sir Dudley Digges*, *Sir John Wolstenholme*, *Sir Francis Wyatt*, *Sir John Brooke*, *Sir Kenelm Digby*, *Sir John Zouche*, *John Bankes*, *Thomas Gibb*, *Samuel Rott*, *George Sands*, *John Wolstenholme*, *Nicholas Farrar*, *Gabriel Barber*, and *John Farrar*, have nominated, constituted, assigned, and appointed, and by these Presents doe nominate, constitute, assigne, and appoint you, or any fower or more of you to be our Commissioners: Giveing, and by these Presents granting unto you, or any fower or more of you, full Power and Authoritie, from tyme to tyme, to consider howe, and in what Manner and Sort, the Estate of that Plantation of our Colonye or Plantation of *Virginia* hath bene formerly? And alsoe what Commodities have bene there from tyme to tyme advanced and raised, since the planting thereof until this Tyme; and how the Estate thereof standeth at this present: And wee doe alsoe give unto you, or any fower or more of you, full Power and Authority, from tyme to tyme to treat upon and consider what Commodities may from tyme to tyme be advanced and raised in those Parts, which may be more profitable and advantageous for the said Colonye and Plantation. And further, to the end the said Colonye or Plantation may be the better advanced hereafter, Wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to consider, propose, and set down from tyme to Tyme, by what good Wayes or Meanes, or in what Manner the said Plantation or Colonye may be from tyme to tyme better advanced and settled in future tymes: And for the better Performance of this our Service, Wee doe hereby give unto you, or any fower or more of you, full Power and Authoritie to call unto you, or any fower or more of you, such Person or Persons

sons as you, or any fower or more of you, in your Discretions shall think fitt for your better Information in the Premiffes; and with them, or any of them, from tyme to tyme to confult and treat, that thereby yee may be the better instructed in any Thing touching the Premiffes. And further our Will and Pleasure is, that you our faid Commiffioners, or any fower or more of you, after dewe Considerations and Deliberations had and debated by you, or any fower or more of you, concerning the Premiffes, doe prefent unto Us your Proceedings in or concerning the Premiffes from tyme to tyme; together with fuch Propositions as you, or any fower or more of you, from tyme to tyme shall fett downe and propound, for the fettling of the Interest of the prefent Planters and Adventurers there, and encouraging of fuch as shall be willing to become Planters and Adventurers in that Place, to the end Wee may thereupon from tyme to tyme declare our further Pleasure concerning the Premiffes as Wee shall fee beft. And laftly our Will and Pleasure is, that this our Commiffion shall continue in Force, notwithstanding the fame be not from tyme to tyme continued by Adjournement. In Witnes, &c.

Witnes Ourfelf at *Westminster*, the feaven-and-twentieth Day of *June*

Per Breve de Privato Sigillo.

LITERÆ continentēs Promiffionem Regis ad tradendum Caſtrum et Habitationem de KEBEC in CANADA ad Regem Francorum.

[Rymer, Vol. XIX. P. 303. A. D. 1631.]

CAROLUS, Dei Gratia, *Magne Britannie, Francie et Hibernie*, Rex, Fidei Defenfor, &c. Omnibus hæcæ viſuris Salutem: Quandoquidem omnino juſtum equum et neceſſarium judicamus, ut jam tandem Pax et Concordia, nuper inter nos et Regem Chriſtianiffimum, Fratrem noſtrum chariſſimum concluſa, priſtinum Vigorem et effectum recuperent, atque ideo omnes Differencie et Difficultates, que hætenus hinc inde interciderunt inter noſtra Regna et Subditos, mutuo reintegrata et perfectæ Reconciliatione utriuſque removeantur et aboleſcant: In quem Finem nos, inter alias Conditiones ex noſtra Parte preſtandas, conſenſimus Reſtitutionem facere Fortilicii ſeu Caſtri & Habitationis in *Kebec in Canada*, que Die decimo nono *Julii* Anno milleſimo ſexceſſimo viceſimo nono, nempe poſt Pacem jam ante, Menſe *Aprilis* preſidentis publicatam, et quidem Vigore Diplomatis ſeu Commiſſionis, ſub magno *Anglie* Sigillo (Bello adhuc flagrante) conceſſe, capta et occupata fuerunt: Nos Promiſſorum, atque Verbi noſtri Regii Fidem, quibuſcuſque Refraſtoriis Rationibus et Objectionibus

bus hac super Re illatis aut inferendis, anteferentes hisce Literis asserimus et in Verbo regio promittimus, nos precepturos, curaturos & effecturos, ut a nostris in dicto Fortilicio sive Castro & Habitatione *Kebec* subsistentibus subditis, sive Milites Presidiarii, sive Coloni et Incole ibidem morentur, aut habitent quam primum nostre Jussionis Litere a Deputatis vel Commissariis, qui easdem a prefato nostro Fratre charissimo Rege *Christianissimo* eo amanandi habebunt, offerende ipsis erunt exhibite et perlecte, atque redeundi facultas data, dictum Castrum seu Fortilicium et Habitatione in *Kebec*, et quidem in eodem Statu quo extiterunt, cum eadem fuerunt capta et occupata, atque cum omnibus tum Temporibus ibidem inventis Armis, Tormentis Mercibus et Utenilibus sine ulla Exceptione, et sine ulla Demolitione aut Destructione Munimentorum aut Edificiorum dicto Occupationis Tempore, ibi existentibus; Insuper etiam si quid inde fuerit ablatum aut avectum, idem sive in Specie sive Valore Denique omnia et quecunque ibidem inventa fuisse, docebit Scheda, ex Testibus Sacramento obstrictis excepta, et mutuo eorum Consensu collecta, penes quos utriusque, dicto Loco et Tempore, *Kebec* occupati Rerum fuit Autoritas, bona Fide et sincere, reddantur, restituantur et retribuantur. In cujus Rei Testimonium hasce Literas Manu nostra et magno Regni nostri *Anglie* Sigillo signare et confirmari volumus. Que dabantur ex Palatio nostro *Grenovici*, Die vicesimo nono Junii, Anno Salutis supra millesimum sexcentessimum, tricesimo primo, et Regni nostri septimo.

Per ipsum Regem propria Manu signatum.

AN Abstract of the PEMAQUID GRANT.

[Records of the Province of Maine.]

“THE nine-and-twentieth Day of February, 1631” “the President and Council of New-England,” “in Consideration that” “Robert Alworth and Gyles Elbridge have and will transport, and doth undertake to transport, at their owne Cost and Charges, divers Persons into New England, and there to erect and build a Town and settle divers Inhabitants,” “grant, assign, allot, and appoint to the said Robert Alworth and Gyles Elbridge, their Heirs and Assigns, and every of them, one hundred Acres of Ground for every Person so by them or any of them transported, or that shall now or hereafter be transported,” “within the Space of seven Yeares next ensuing, that shall abide or continue three Yeares, either at one or severall Times, or dye in the mean Seizon after he or they are shipped

" with an Intent there to inhabit the same Lands to be taken and chosen" " in any
 " Place adjacent to" " twelve thousand Acres of Land hereafter mentioned to be
 " granted, and not lately granted, settled, and inhabited by any English, and wherein
 " no English Person or Persons are already placed or settled Together with free Li-
 " berty to fish in and upon the Coast of New England, in all Havens, Ports, Ri-
 " vers and Creeks thereunto belonging and not granted to any others." They
 further grant " unto the said Robert Aldworth and Gyles Elbridge, their Heirs and
 " Assigns, twelve thousand Acres of Land, moreover and above the aforesaid Pro-
 " portion of one hundred the Person for every Person transported or to be trans-
 " ported" " as their proper Inheritance for ever," " to be laid out near the River
 " commonly called" "*Pemaquid*" " next adjoining to the Place where the Peo-
 " ple or Servants of the said Robert Aldworth and Gyles Elbridge are now
 " settled, or have inhabited for the Space of three Years last past; and the same to
 " be taken and chosen together and not stragling, both along the Sea Coast as the
 " Coast lieth, and so up the River as far as may contain the said twelve thousand
 " Acres within the said Breadth and Length," " Together also with all the Islands,
 " Isles within the Limits next adjoining the said Land butting within the Li-
 " mits aforesaid, three Leagues into the Main Ocean: YIELDING AND PAYING un-
 " to our Sovereign Lord the King, his Heirs and Successors, one fifteth Part of all the
 " Gold and Silver Oar to be found" " on the Premises or any Part thereof, and one
 " other fifteth Part of the same to the said President and Council" " and their Successors
 " for ever. AND also yielding and paying to the said President and Council in the
 " Name of all other" " Demands whatsoever for every hundred Acres arable Lands
 " so obtained by the said Robert Aldworth and Gyles Elbridge, their Heirs and
 " Assigns" " and those said other Persons, their Heirs and Assigns, the yearly Rent
 " of two Shillings of lawfull Money of England" " to the Rent-Gatherer of the said
 " President and Council" " when lawfully demanded." " And it shall be lawful
 " for the said Undertakers and Planters" " to trade in all lawful Commodities with
 " the Salvages in any Part of New England, or neighbouring thereabouts." " As
 " also to hunt, hawke, fish, or fowle, in any Place, now or hereafter by any Eng-
 " lish inhabited." " And the said President and Council covenant with the said Ro-
 " bert Aldworth and Gyles Elbridge, their Heirs, &c. that they" shall not be taken
 " from their own Employments by any Governour or other there to be established,
 " but only for the publick Defence of those Countries, or Suppression of Rebellion,
 " Riots or Routs, or other unlawful Assemblies. And further it is covenanted"
 that upon lawful Survey made, and lawful Information given of the Bounds and
 Quantity of the Land by the said Undertakers to be possessed, and the Return
 of this Grant, the President and Council will make them a new Grant of the said
 Lands bounded as aforesaid, with all the Privileges above granted; and upon Re-
 quest

quest made to the said President and Council within the Term of seven Years, will grant to the said Robert Aldworth and Gyles Elbridge, their Heirs, &c. Letters of Incorporation by some fit Name, with Liberty to them and their Successors to make Laws for the Government of all Persons to be settled upon the Lands hereby granted, or hereafter to be granted, and in the mean time it shall be lawful for them, their Heirs and Assigns to establish such Laws as are for "the better Government of such Persons so transported, and the same by such Officer or Officers as they shall by most Voices elect and choose to put in Execution: and that it shall be lawful for the said Robert Aldworth and Gyles Elbridge, their Heires and Assigns," "to encounter and resist by Force of Arms, as well by Sea as by Land—and to take and make Prize of to their own Use and behoof, all such Persons, their Ships and Goods, as without the special Licence of the said President and Council, and their Successors, or the great Part of them shall attempt to inhabit or trade with any of the Salvage People of that Country within the Limits of their said Plantation—or attempt Destruction, Invasion, or Annoyance to the said Plantation. And further that it shall be lawful for the said Robert Aldworth and Gyles Elbridge, their Heirs," &c.—"to transport such Powder, Shott, Provision and Ordinance as shall be necessary for their Defence"—And further—"that the said Robert Aldworth and Gyles Elbridge, their Heirs," &c. shall * any Time hereafter aliene these Premises or any Part thereof to any foreign Nations or to any Person whatsoever, without the Licence of the said President and Council, their Successors and Assigns, except it be to their own Tenants, on Pain of Forfeiture of the Land so aliened, to the Use of the said President and Council." And the President and Council empowered Capt. Walter Neale and Richard as their Attornies, to enter upon the Land and deliver "Possession and Seizin unto the said Robert Aldworth and Gyles Elbridge, or to their Attorney—ratifying whatsoever their said Attorney should do in the Premises. In Witness whereof the President and Council set their Seal to one Part of the Indentures, and Robert Aldworth and Gyles Elbridge set their Hands and Seals to the other.

(Signed)

R. Warwick.

(Seal)

FERD: GORGE.

" Md.

“ Md. The Possession of all the Lands contained in this Patent was delivered by
 “ me Walter Neale unto Abraham Shurte to the Use of Robert Aldworth and Gyles.
 “ Elbridge, Merchants of the City of Bristol, this 27th of May, A. D. 1633.

WA: NEALE.

“ Witnes to the Delivery of the said Possession,

THOMAS CAMMOCK.
 CHRISTOPHER BURNHEAD.
 GEORGE NEWMAN.
 WILLIAM HOOKE.
 ROBERT KNIGHT.”

A COPY of the Old Patent for Connecticut.

[Examination, and Vindication, of the Connecticut Title to Lands West of New-York.]

“ **T**O all People to whom this present Writing may come, Robert, Earl of
 Warwick, sendeth Greeting in our Lord God everlasting.—Know ye, that
 “ the said Robert, Earl of Warwick, for divers good Causes and Considerations
 “ him thereunto especially moving, hath given, granted, bargained, sold, aliened,
 “ and confirmed, and by these Presents doth give, &c. unto the right honourable
 “ William Viscount Say and Seal, the right honourable Robert Lord Brook, the right
 “ honourable Robert Rich, and the honourable Charles Fiennes, Esq. Sir Natha-
 “ niel Rich, Knight, Sir Richard Saltonstall, Knight, Richard Knightly, Esq; John
 “ Pym, Esq; John Hampden, Esq; John Humphreys, Esq; and Herbert Pelham,
 “ Esq; their Heirs and Assigns, and their Associates for ever, all that Part of
 1631. “ New England, in America, which lies and extends itself from a River there
 “ called Naraganset River, the Space of forty Leagues upon a straight Line,
 “ near the Sea Shore, toward the *South-West, West-and-by-South* or *West* as the
 “ Coast lieth towards Virginia, accounting three English Miles to the League, and
 “ also all and singular the Lands and Hereditaments whatsoever, lying and being
 “ within the *Lands* aforesaid, North and South in Latitude and Breadth, and in
 “ Length and Longitude, *of, and within*, all the Breadth aforesaid, throughout
 “ the main Lands there, from the Western Ocean to the South Sea, and all Lands
 “ and Grounds, Place and Places, Soil, Wood and Woods, Grounds, Havens,
 “ Ports, Creeks and Rivers, Waters, Fishings and Hereditaments whatsoever, lying
 “ within

“ within the said Space, and every Part and Parcel thereof.—And also all Islands
 “ lying in America aforesaid, in the said Seas, or either of them on the western or
 “ eastern Coasts, or Parts of the said Tracts of Lands by these Presents mentioned
 “ to be given, granted, &c. and also all Mines and Minerals, as well, royal Mines
 “ of Gold and Silver, as other Mines and Minerals whatsoever, in the said Land
 “ and Premises, or any Part thereof, and also all the several Rivers within the
 “ said Limits, by what Name or Names soever called or known, and all Jurisdic-
 “ tions, Rights, and Royalties, Liberties, Freedoms, Immunities, Powers, Pri-
 “ vileges, Franchises, Prehemencies, and Commodities whatsoever, which the said
 “ Robert Earl of Warwick now hath or had, or might use, exercise, or enjoy, in
 “ or within any Part or Parcel thereof, excepting and reserving to his Majesty, his
 “ Heirs and Successors, one fifth Part of Gold and Silver Ore. To have and to
 “ hold the said Part of New England, in America, which lies and extends, and is
 “ abutted as aforesaid, and the said several Rivers, and every Part and Parcel there-
 “ of, and all the said Islands, &c. to them the said Viscount Say and Seal, &c. their
 “ Heirs and Assigns, and their Associates to their only proper and absolute Use and
 “ Behoof for evermore. In Witness whereof the said Robert, Earl of Warwick,
 “ hath hereunto set his Hand and Seal, 19th March, 1631.

ROBERT WARWICK.” (Seal.)

Signed, &c. in Presence of

Walter Williams.

Thomas Horwson.

TRAITÉ entre le Roi LOUIS XIII. et CHARLES Roi d'Angleterre,
 pour la Restitution de la NOUVELLE FRANCE, la CADIE & CANADA,
 et des Navires & Merchandises, pris de Part & d'autre.

[Rymer, Vol. XIX. P. 361. A. D. 1631.]

ART. III. **D**E la part de sa Majesté de la *Grand Bretagne* ledit Sieur Ambassa-
 deur, en vertu du pouvoir qu'il a lequel sera inferé en fin des pre-
 sentes, a promis et promet, pour et au nom de sadite Majesté, de rendre et restituer
 a sa Majesté tres Chrétienne tous les lieux occupés en la *Nouvelle France*, la *Cadie*,
 et *Canada* par les sujets de sa Majesté de la *Grande Bretagne*, iceux faire retirer
 dedits lieux et pour cet effet ledit Sieur Ambassadeur délivrera lors de la passation

et signature des presentes aux Commissaires du Roi très Chrétien, en bonne forme le pouvoir qu'il a de sa Majesté de la *Grande Bretagne* pour la Restitution desdits lieux ensemble les Commandemens de sadite Majesté a tous ceux qui commandent dans le Port Roiall, Fort de *Guebec*, et *Cap Breton*, pour être lesdits Places et Fort rendus et remis es mains de ceux qu'il plaira a sa Majesté Tres Chrétienne ordonner, huit Jours après que lesdits Commandemens auront esté notifiés a ceux qui commandent, ou commanderont esdits lieux, ludit temps de huit Jours leur estant donné pour retirer cependant hors des dits lieux, Places et Forts, leurs armes, bagages, merchandizes, or, argent, Utanciles, et generalement tout ce qui leur appartient ; ausquels et a tous ceux qui sont esdits lieux est donné le Terme des trois semaines apres lesdits huit jours expirés, pour durant icelles, ou plutôt si faire se peut, rentrer en leurs Navires avec leurs Armes, Munitions, Bagages, Or, Argent, Pelleteries, et generalementa tout ce qui leur appartient pour delà se retirer en Angleterre sans séjourner davantage esdits Pais.

REGULATION of Government agreed upon at BOSTON.

[Massachusetts Records.]

A General Court holden at Boston, May 9, 1632.

IT was generally agreed upon by Erection of Hands, that the Governour, Deputy Governour and Assistants should be chosen by the whole Court of Governour, Deputy Governor and Assistants, and Freemen, and that the Governour shall always be chosen out of the Assistants.

At a General Court holden at Boston, May 14, 1634.

IT is agreed that none but the General Court hath Power to chuse and admit Freemen.

That none but the General Court hath Power to make and establish Laws, nor to elect and appoint Officers as Governour, Deputy Governour, Assistants, Treasurer, Secretary, Captain, Lieutenants, Ensigns, or any of like Moment, or to remove such upon Misdemeanour, as also to sett out the Dutyes and Powers of the said Officers.

That none but the Generall Court hath Power to raise Money and Taxes, and to dispose of Lands, viz. to give and confirm Proprieties.

It was further ordered, That the Constable of every Plantation shall upon Precept received from the Secretary, give timely Notice to the Freemen of the Plantation

tion where he dwells, to send so many of their said Members as the Precept shall direct, to attend upon publick Service. And it is agreed, that no Tryal shall pass upon any for Life, or Banishment, but by a Jury so summoned, or by the General Court.

It is likewise ordered, that there shall be four Generall Courts held yearly, and to be summoned by the Governour for the Time being, and not to be dissolved without the Consent of the major Part of the Court.

It was further ordered, that it shall be lawfull for the Freemen of every Plantation, to chuse two or three of each Town before every Generall Court, to confer of, and prepare such publick Business as by them shall be thought fitt to consider of at the next Generall Court, and that such Persons as shall be hereafter so deputed by the Freemen of severall Plantations, to deal in their Behalf, in the publick Affairs of the Commonwealth, shall have the full Power and Voices of all the said Freemen derived to them for the making and establishing of Lawes, granting of Lands, &c. and to deal in all other Affairs of the Commonwealth wherein the Freemen have to do, the Matter of Election of Magistrates and other Officers only excepted, wherein every Freeman is to give his own Voice.

At the Generall Court holden at Newtown, March 3, 1635.

A COMMISSION granted to severall Persons to govern the People at Connecticut for the Space of a Year now next coming, an Exemplification whereof ensueth.

Whereas upon some Reason and Grounds there are to remove from this our commonwealth and Body of the Mattachusetts in America, diverse of our loving Friends, Neighbours, Freemen and Members of Newton, Dorchester, Watertown, and other Places, who are resolved to transplant themselves and their Estates, unto the River of Connecticut, there to reside and inhabit, and to that end diverse are there already, and diverse others shortly to go; We in this present Court assembled on the Behalf of our said Members, and John Winthrop, jun. Esq. Governour appointed by certain noble Personages and Men of Quality interested in the said River, which are yet in England, on their Behalf, have had a serious Consideration thereon, and think it meet, that where there are a People to sitt down and cohabit, there will follow upon Occasion some Cause of Difference, and also diverse Misdemeanors which will require a speedy Redress; and in Regard of the Distance of Place, this State and Government cannot take Notice of the same as to apply timely Remedy, or dispence equal justice to them and their Affairs as may be desired: And in Regard the said noble Personages, and Men of Quality, have something ingaged themselves and

their Estates in the Planting of the said River, and by Vertue of a Patent do require Jurisdiction of the said Place and People, and neither the Minds of the said Personages (they being wrote unto) are as yet known, nor any Manner of Government is yet agreed on; and there being a Necessity as aforesaid, that some present Government may be observed, We therefore think meet, and so order, that Roger Ludlow, Esq; William Pinchon, Esq; John Steele, William Swaine, Henry Smith, William P. William Westwood, and Andrew Ward, or the greater Part of them, shall have full Power and Authority to hear and determine in a judicial Way, by Witnesses upon Oath examine within the said Plantation, all those Differences which may arise between Party and Party, as also upon Misdemeanour to inflict corporal Punishment, or Imprisonment, to fine, and levy the same, if Occasion so require; to make and decree such Orders, for the Present, that may be for the peaceable and quiet Ordering the Affairs of the said Plantation, both in trading, planting, building, Lotts, Military Discipline, defensive War (if need so require) as shall best conduce to the publick Good of the same; and that the said Roger Ludlowe, William Pinchon, John Steele, William Swain, Henry Smith, William Phelps, William Westwood, Andrew Ward, or the greater Part of them, shall have Power, under the greater Part of their Hands, at a Day or Days by them appointed, upon convenient Notice, to convent the said Inhabitants of the said Towns to any convenient Place that they shall think meet in a legal and open Manner, by Way of Court, to proceed in Execution of the Power and Authority aforesaid: And in Case of present Necessity, two of them joining together, to inflict corporal Punishment upon any Offender, if they see good and warrantable Ground so to do: Provided always that this Commission shall not extend any longer Time than one whole Year from the Date thereof; and in the mean time it shall be lawfull for this Court to recall the said Presents, if they see Cause, and if soe be there may be a mutual and settled Government consdescended unto by and with the good Liking and Consent of the said noble Personages or their Agent, The Inhabitants and this Commonwealth, provided also that this may not be any Prejudice to the Interest of those noble Personages in the said River, and Confines thereof, within their severall Limitts.

LETTER *from* JOHN MASON, et al. *to* AMBROSE GIBBENS.

[New-Hampshire Records.]

MR. AMBROS GIBBENS,

LONDON, *the 5th December, 1632.*

YOUR fondery Letters wee haue reſeued. Wee do take Notiſ of your Caſe and Paines in our Plantatyon, and doe wiſh that others had bin that Waye the ſame that you are, and will, wee hope, ſo continew. The Aduenturers heere haue bin ſo diſcouradged by Reſon of John Gibbes ill deſeing Voidges, as alſo by the ſmall Returns ſent hether by Captain Nele, Mr. Herbert, or anny of there Factors, as that they haue no Deſier to proſeid anny farther vntill Captain Neale com hither to confer with them, that by Conferens with him thay may ſettle Thinges in a better Order. We haue written vnto Captain Neale to diſmiſ the Houſhold only, ſutch as will or can live of themſelues may ſtaye vpon our Plantatyon, in ſuch convenient Places as Captain Neale, Mr. Godfree, and you ſhall thinke fitt, and after Conference had here with Captain Neale, they ſhall have a reſonable quantyty of Lands granted vnto them by Deede: Wee praye you Mr. Godfree and Mr. Wannerton, to take Care of our Conferens, and that you would joyne lovingly together in all Thinges for our Good, and to aduize vs what our beſt Courſe will be to doe another Yer. You deſier to ſettle your ſelfe upon Sander's Point; the Aduenturers are willinge to pleaſe you not only in this, in Regard of the Good Reporte they haue heard of you from time to time, but alſo after they haue confered with Captain Neale, they determen ſom further Good towards you for your further Incoradgement.

Wee deſier to haue our Fiſher-men increſed, whereof wee haue written vnto Mr. Godfree; wee thanke you for aſſiſtinge John Raimand; wee praye you ſtill for to be helpfull vnto him, that ſo hee may diſpatch and come to vs with ſuch Returns as hee hath, and if hee haue anny of his trade Goods remaineing vnſould, wee haue willed him to leue them with you; and wee doe hereby praye you to reſeue them in to your Cuſtody, and to putt them of with what conuenienſy you can, and to ſend vs the Re-

turnes by the first Shipp that commeth. Thus wee comend you and your Wife to the Proteſtyon of the Almightye.

Your Lovinge Friends,

JOHN MASON,
HENRY GARDNER,
GEORGE GRIFFITH,
THO. WANNERTON,
THO. EYRE, for my Children.

A true Copia taken from the Orogenall,
and recorded according to the Oregenall, 30th January, 1706.

Per WILLIAM VAUGHAN, Récorder.

COPY of a LETTER from Mr. WINTHROP, Governor of the MASSACHUSETTS, to Mr BRADFORD, Governor of PLYMOUTH, also the Copy of an Order of his Majesty's Council.

[Hutchinson's Original Papers, P. 52.]

S I R,

UPON a Petition exhibited by Sir Christopher Gardiner, Sir Ferdinando Gorges, Captain Maſon, &c. againſt you and us, the Cauſe was heard before the Lords of the Privy Council, and afterwards reported to the King; the Succeſs whereof makes it evident to all, that the Lord hath Care of his People here : The Paſſages are admirable and too long to write. I heartily wiſh for an opportunity to impart them to you, being many Sheets of Paper; but the Concluſion was againſt all Mens Expectation, an Order for our Incouragement, and much Blame and Diſgrace upon the Adverſaries, which calls for much Thankfulneſs from us, all which we purpoſe (God willing) to expreſs in a Day of Thankſgiving to our mercifull God (I doubt not but you will conſider if it be not fitt for you to joyne in it) who as he has humbled us by our late Correction, ſo he hath liſted us up by an abundant rejoycing in our Deliuerance out of ſo deſperate a Danger ; ſo as that which our Enemies built their
Hopes

Hopes upon, to ruine us by, he hath mercifully disposed to our great Advantage, as I shall further acquaint you when Occasion shall serve.

The COPIE of the ORDER follows.

At the Court at Whitehall, January 19, 1632.

Sigillum Crescent.

Lord Privy Seale	Mr. Trevers
Earle of Dorset	Mr. Vice Chamberlaine
Lord Viscount Faulkland	Mr. Secretary Cooke
Lord Bishop of London	Mr. Secretary Windebank.
Lord Cottington	

WHEREAS his Majesty hath lately been informed of great Distraction and Disorder in the Plantations in the Parts of America called New England, which if they be true, and suffered to run on, would tend to the Dishonour of this Kingdom, and utter Ruine of the Plantation: For Prevention whereof, and for the orderly settling of Government, according to the Intentions of those Patents which have been granted by his Majesty, and from his late Royal Father King James, it hath pleased his Majesty that the Lords and others of his most honourable Privy Council should take the same into Consideration. Their Lordships in the first Place thought fitt to make a Committee of this Board to take Examinations of the Matters informed. Which Committee have called divers of the principal Adventurers in that Plantation, and heard those that are Complainants against them, most of the Things informed being denied, and resting to be roved, by Parties that must be called from that Place, which required a long Expence of Time, and at present their Lordships finding, they were upon Dispatch of Men, Victuals, and Merchandize for that Place, all which would be at a Stand if the Adventurer should have Discouragement, or take Suspicion, that the State here had no good Opinion of that Plantation; their Lordships not laying the Fault or Fancies (if any be) of some particular Men, upon the general Government or principal Adventurers, which in due Time is further to be enquired into, have thought fitt in the mean Time to declare, that the Appearances were so fair and hopes so great, that the Country would prove both beneficial to this Kingdom, and profitable to the Particulars, as that the Adventurers had cause to go on chearfully with their Undertakings, and rest assured, if Things were carried as was pretended when the Patents were granted, and accordingly as by the Patent is appointed, his Majesty would not only maintaine the Liberties and Priviledges heretofore granted, but supply any Thing further that might tend to the good Government, Prosperity and Comfort of his People there of that Place, &c.

PLYMOUTH

PLYMOUTH TAX LIST.

[Plymouth Records, 1633.]

ACCORDING to an Order in Court, held the 2d of Jan. in the ninth Yeare of the Raigne of our Sov. Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. The Persons heereunder menconed were rated for publick Use by the Governour and Mr. Thomas Prence, Mr. William Bradford, Captain Myles Standish, John Howland, Stephen Hopkins, John Done, William Gilson, William Collier, Joh. Jenney, Robert Heeks, Jonathan Brewster, Kenelm Wynslow, and Stephen Deane: To be brought in by each Person as they are heerunder written rated in Corne at 6/0 per Bushell, at or before the last of November next ensuing to such Place as shall be heerafter appointed to receive the same; and for Default heerof, the Value to be doubled, and accordingly levied by the publick Officer, for that End.

	£.	s.	d.		£.	s.	d.
EDWARD WYNSLOW,	2	5	0	William Basset,	1	7	0
Mr. Will. Bradford,	1	7	0	Experience Michaell,	0	9	0
Capt. Myles Standish,	0	18	0	Edward Dowty,	0	18	0
Mr. Will. Brewster,	1	7	0	Widow Browne,	0	9	0
Isaack Allerton,	1	16	0	Widow Fuller,	0	9	0
Joh: Howland,	1	4	0	Samuell Fuller,	0	9	0
Joh: Alden,	1	4	0	Humphrey Turner,	0	9	0
Steph. Hopkins,	1	10	0	Samuell Edy,	0	9	0
Mr. Will. Collier,	2	5	0	Will. Palmer,	0	18	0
Joh. Done,	1	7	0	Will. Palmer, junior,	0	9	0
Joh. Jenney,	1	7	0	James Cole,	0	9	0
Jonath. Brewster,	1	4	0	John Holmes,	●	18	0
Will. Gilson,	1	7	0	John Barnes,	0	18	0
Robt. Heeks,	0	12	0	John Fance,	0	9	0
John Winslow,	0	18	0	Tho. Pope,	0	9	0
Manasseh Kempton,	0	18	0	John Shaw,	0	9	0
John Coombs,	0	9	0	Widow Adams,	0	9	0
Phineas Pratt,	0	9	0	Abm. Peirce,	0	9	0
George Sowle,	0	9	0	Francs. Billington,	0	9	0
Tho. Clarke,	1	7	0	Francs. Cooke,	0	9	0
Nicholas Snow,	0	12	0	John Cooke,	0	9	0

Mr.

	£.	s.	d.		£.	s.	d.		
Mr. Hatherlies Men,			o	John Cooke, senior,		o	9	o	
Edward Banges,		o	12	o	Moses Symonson,		o	9	o
John Browne,		o	9	o	Rowley,		o	18	o
Stephen Tracy,		o	18	o	Henry Howland,		o	18	o
Widow Warren,		o	9	o	Phillip Delanoy,		o	9	o
Robt. Bartlet,		o	9	o	Edw. Bumpasse,		o	9	o
Anthony Annable,		o	9	o	Joseph Rogers,		o	9	o
Fran: Sprague,		o	18	o	Sam. Chandler,		o	9	o
John Dunham,		o	9	o	Rich. Church,		1	7	o
Roger Chandler,		o	9	o	Will. Richards,		o	9	o
Samuel Nash,		o	9	o	Tho. Little,		o	18	o
Stephen Deane,		o	12	o	Ady Web,		o	9	o
Rich. Sparrow,		o	9	o	Ralph Fogge,		o	12	o
Will. Latham,		o	9	o	Isaack Robbinson,		o	9	o
Richard Higgens,		o	12	o	Josias Cooke,		o	9	o
Edward Foster,		o	9	o	Walter Woodart,		o	9	o
Kenelme Wynslow,		o	18	o	James Hurst,		o	9	o
John Hewes,		o	9	o	Henry Cobb,		o	9	o
Nathaniel Morton,		o	9	o	Richard Cloufe,		o	12	o
John Bowman,		o	9	o					

[The above List is supposed to contain the Names of all the Persons then in the Town of Plymouth who were liable to pay Taxes.]

The CHARTER of MARYLAND.

[Bacon's Edition of Laws of Maryland.]

CAROLUS Dei Gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex Fidei Defensor &c Omnibus ad quos præsentis litteræ nostræ pervenerint *Salutem* Cum per dilectus et perquam fidelis subditus noster CÆCILIVS CALVERT, Baro de *Baltimore* in Regno nostro *Hiberniæ* Filius et Hæres GEORGIJ CALVERT Militis, nuper Baronis de *Baltimore* in eodem Regno *Hiberniæ* Patris inherens vestigiis laudabili quodam et pio Christianam Religionem pariter et imperii nostri territoria dilatandi studio flagrans licentiam nobis ut copiosam Anglicanæ Gentis Coloniam Induf-

tria ac Impensa sua ad certam quandam Regionem inferius describendam in Terra quadam in Partibus Americæ hæctenus inculta et Barbaris nullam divini numinis notitiam habentibus in Partibus occupata deducere possit totamq; illam Regionem cum certis quibusdam Privilegiis et jurisdictionibus ad Coloniam suam et Regionis prædictæ salubre Regimen et Statum pertinentibus a regia nostra Celsitudine sibi et Hæredibus suis dari concedi et confirmari humiliter supplicaverit Sciat igitur quod nos pium et nobile præfatorum Baronum de Baltimore Propositum et Studium Regio Favore prosequentes ex Gratia speciali certa Scientia et mero Motu nostris *dedimus concessimus et confirmavimus* et per hanc præsentem Chartam nostram pro nobis Hæredibus et Successoribus nostris præfato *Cacilio* modo Baroni de Baltimore Heredibus et Assignatis suis Damus, Concedimus et Confirmamus totam illam Partem Peninsulæ sive Chersonesi jacentis in Partibus *Americæ* inter Oceanum ex Oriente et sinum de *Chesapeake* ab Occidente a Residuo ejusdem per rectam Lineam a Promontorio sive Capite Terræ vocato *Watkin's Point* juxta Sinum prædictum prope Fluvium de *Wigbeo* scituato ab Occidente usque ad magnum Oceanum in Plaga Orientali ductam divisam Et inter Metam illam a Meridie usque ad Partem illam Estuarii de *Delaware* ab Aquilone quæ subjacet quadragesimo Gradui Latitudinis Septentrionalis ab Æquinoctiali ubi terminatur *Nova Anglia* totumque illius Terræ Tractum infra Metas subscriptas (videlicet) Transcundo a dicto Æstuario vocato *Delaware-Bay* recta Linea per Gradum prædictum usque ad verum Meridianum primi Fontis Fluminis de *Pattowmack* deinde vergendo versus Meridiem ad ulteriorem dicti Fluminis Ripam et eam sequendo qua Plaga occidentalis ad Meridionalem spectat usque ad Locum quendam appellatum *Cinquack* prope ejusdem Fluminis Ostium scituatum ubi in præfatum Sinum de *Chesapeake* evolvitur ac inde per Lineam brevissimam usque ad prædictum Promontorium sive Locum vocatum *Watkins' Point* Ita quod totus Terræ Tractus per Lineam prædictam inter magnum Oceanum et *Watkin's Point* divisus usque ad Promontorium vocatum *Cape Charles* et singula sua Appenditia Nobis Hæredibus et Successoribus nostris integre remaneant excepta Imperpetuum Nec non omnes Insulas et Insululas infra limites prædictos concedimus etiam et confirmamus eidem Baroni de *Baltimore* Hæredibus et Assignatis suis omnes et singulas Insulas et Insululas ab Orientali prædictæ Regionis Littore Orientem versus in Mari natas vel nascendas infra decem Leucas marinas ab eodem Littore scituatas cum omnibus et singulis Portubus Navium Stationibus Æstuariis Fluminibus et Fretis ad Regionem vel Insulas prædictas pertinentibus Omnesque Fundos Terræ Campestris Sylvas Montana Paludes Lacus Flumina Æstuaria et Freta infra Metas Terminos et Limites prædictos scituata seu existentia, cum cujuscunque Generis Piscium tam Balænarum Sturgeonum et aliorum Regalium quam aliorum in Mari Sinibus Fretis vel Fluminibus infra Premissa Piscationibus et Piscibus ibidem captis Omnesque insuper Auri Argenti Gemmarum et Lapidum pretiosorum et alias quascunque sive Lapidum sive Metallorum sive alterius cujuscunque

cujuscunque Rei aut Materiæ Venas Mineras et Fodinas tam apertas quam occultas infra Regionem Insulas seu Limites prædictos repertas et reperiendas. Et hoc amplius omnium ecclesiarum quas (crescente CHRISTI Cultu et Religione) infra dictam Regionem Insulas Insululas et Limites prædictos futuris Temporibus ædificari contigerit Patronatus et Advocationes una cum Licencia et Facultate Ecclesias Capellas et Oratoria in Locis infra Præmissa congruis et idoneis extruendi et fundandi eaque dedicari et sacrari juxta Leges ecclesiasticas Regni nostri *Angliæ* faciendi Cum omnibus et singulis hujusmodi ac adeo amplis Juribus Jurisdictionibus Privilegiis Prærogativis Regalitatibus Libertatibus Immunitatibus Juribusque regalibus et Franchesiis quibuscunque temporalibus tam per mare quam per Terram infra Regionem Insulas Insululas et Limites prædictos habendis exercendis utendis et gaudendis prout aliquis Episcopus *Dunelmensis* infra Episcopatum sive Comitatum Palatinum *Dunelmensem* in Regno nostro *Angliæ* unquam antehac habuit tenuit usus vel gavisus fuit seu de jure habere tenere uti vel gaudere debuit aut potuit Ipsumque modò Baronem de *Baltimore* et Hæredes suos Regionis prædictæ cæterorumque omnium Præmissorum veros et absolutos Dominos et Proprietarios (exceptis præ exceptis) salva semper Fide et Ligeancia ac Dominio directo nobis Hæredibus et Successoribus nostris debitis pro nobis Hæredibus et Successoribus nostris facimus creamus et constituimus per Præsentes *habendum tenendum possidendum et gaudendum* prædictam Regionem Insulas Insululas et cætera Præmissa præfato modo Baroni de *Baltimore* et Hæredibus et Assignatis suis ad solum et proprium Opus et Usum ipsius modò Baronis de *Baltimore* Hæredum et Assignatorum suorum perpetuum tenendum de nobis Hæredibus et Successoribus nostris Regibus *Angliæ* ut de Castro nostro de *Windfor* in Comitatu nostro *Berkeia* in libero et communi Soccagio per Fidelitatem tantum pro omnibus Serviitiis et non in Capite nec per Servitium militare reddendo inde nobis Hæredibus et Successoribus nostris duas Sagittas Indicas Partium illarum apud dictum Castrum de *Windfor* Singulis Annis tradendas in Die Martis in Septimana Paschæ Ac etiam quintam Partem omnis Metalli Aurei et Argentei Anglicè *of Gold and Silver Ore* quod infra prædictos Limites de Tempore in Tempus contigerit inveniri Ut vero prædicta Regio sic a nobis concessa et descripta cæteris omnibus illius Terræ Regionibus præfulgeat et amplioribus Titulis decoretur sciatis quod nos de ampliori Gratia nostra certa scientia et mero Motu nostris dictam Regionem ac Insulas in Provinciam erigendas esse duximus prout eas ex Plenitudine Potestatis et Prærogativæ nostræ regię pro nobis Hæredibus et Successoribus nostris in Provinciam erigimus et incorporamus eamque TERRAM MARIE *Anglice* MARYLAND nominamus et sic in futuro nominari volumus Et quoniam præfatum modò Baronem de *Baltimore* totius Provincie antedictæ verum dominum et Proprietarium superius fecimus et ordinavimus Uterius igitur sciatis quod Nos pro Nobis Hæredibus et Successoribus nostris eidem modo Baroni (de cujus Fide Prudentia Justitia et provida Animi circumspectione plurimum confidimus) et Hæredibus suis pro bono et felici

dictæ Provinciæ Regimine Leges quasunque sive ad Publicum ejusdem Provinciæ Statum sive ad privatam singulorum Utilitatem pertinentes juxta sanas Discretionēs suas de et cum consilio Assensu et Approbatione Liberorum Hominum ejusdem Provinciæ vel majoris Partis eorundem vel eorum Legatorum vel Deputatorum quos ad Leges condendas quum et quoties Opus fuerit a præfato modò Barone de *Baltimore* ac Hæredibus suis ac in Forma quæ illi vel illis melior esse videbitur convocari volumus condendi faciendi edendi et sub Sigillo prædicti modò Baronis de *Baltimore* ac Hæredum suorum promulgandi easque in omnes Homines infra dictam Provinciam et Limites ejusdem pro Tempore existentes vel sub illius vel illorum Regimine et Potestate *Terram Mariæ* versus navigantes aut inde redeuntes extra vel ad Terram Angliæ vel extra vel ad aliqua alia Dominia nostra vel aliena ubilibet constituta per multarum Impositionem Incarcerationem et aliam quamlibet Coercionem etiam si oporteat et Delicti Qualitas id exigerit per Membri vel Vitæ Privationem per se præfatum modò Baronem de *Baltimore* et Hæredes suos seu per Deputatum Locum-tenentem Judices Justiciarios Magistratos Officiarios et Ministros suos secundum Tenorem ac veram Intentionem Præsentium constituendos et conficiendos debitè exequendi Judicesque et Justiciarios Magistratos et Officiarios quosunque ad quasunque Causas et cum quacunque Potestate et in Forma quæ præfato modò Baroni de *Baltimore* vel Hæredibus suis melior esse videbitur Terrâ illâ ac Partium illarum Mariæ constituendi et ordinandi Crimina item et Excessus quosunque contra hujusmodi Leges sive ante judicium acceptum sive post remittendi relaxandi et pardonandi et abolendi cæteraque omnia alia et singula ad Justitiæ Complementum Curiasque Prætorias et Tribunalia Judiciorum Formas et Procedendi modos pertinentia etiam si de illis expressa in Præsentibus non fiat mentio ac in Curiis Prætoriis et Tribunalibus illis in Actionibus Scâis Causis et Negotiis quibuscunque tam Criminalibus quam Personalibus Realibus et Mixtis ac Prætoriis procedendi Placita tenendi et terminandi per Judices per ipsos Delegatos liberam plenam et omnimodam Tenore præsentium concedimus Potestatem Quas quidem Leges sic ut præmittitur promulgandas absolutissima Juris Firmitate niti et ab omnibus Hominibus Subditis et Ligeis nostris Hæredum et Successorum nostrorum quatenus eos concernunt in Partibus illis custodiri et sub Pœnis in eisdem expressis et exprimendis inviolabiliter observari volumus injungimus præcipimus et mandamus Ita tamen quod Leges prædictæ sint Rationi consonæ et non sint repugnantes nec contrariæ sed (quoad convenienter fieri poterit) consentaneæ Legibus Statutis Consuetudinibus ac Juribus hujus Regni nostri *Angliæ* Et quoniam in tantæ Provinciæ Regimine repentini Casus sæpenumero contingant quibus necesse erit Remedium adhiberi antequam Liberi tenentes dictæ Provinciæ Legati vel Deputati sui ad Leges condendas convocari possint nec idoneum erit continuò tali Casu emergente tantum Populum convocari Idcirco pro meliori Gubernatione tantæ Provinciæ volumus et ordinamus ac per Præsentes pro Nobis Hæredibus et Successoribus

foribus nostris præfato modò Baroni de *Baltimore* et Hæredibus suis concedimus quod præfatus modò Baro de *Baltimore* et Hæredes sui per se vel per Magistratus et Officiarios in ea Parte debite ut præfertur constituendos ordinationes idoneas et salubres de Tempore in Tempus facere et constituere possint et valeant infra Provinciam prædictam custodiendas et observandas tam pro Custodia Pacis quam pro meliori Regimine Populi ibidem degentis easque omnibus quos eadem aliquantulum tangunt seu tangere possint publicè innotescere Quas quidem Ordinationes infra dictam Provinciam inviolabiliter observari volumus sub Pœnis in eisdem exprimendis Ita quod eadem Ordinationes sint Rationi consonæ et non sint repugnantes nec contrariæ sed (quoad convenienter fieri potest) consentaneæ Legibus Statutis aut Juribus Regni nostri *Angliæ* Et ita quod eadem Ordinationes se non extendant ad Jus vel interesse alicujus Personæ sive aliquarum Personarum de aut in Membro Vita libero Tenemento Bonis seu Catallis aliquantulum astringendum ligandum onerandum seu tollendum Porro ut Nova Colonia Populi eadem confluentis Multitudine sælicius crescat pariter et à Barbarorum aliorumve Hostium Piratorum et Prædonum Incursis firmiter muniatur Idcirco Nos pro Nobis Hæredibus et Successoribus nostris omnibus Hominibus et Subditis nostris Hæredum et Successorum nostrorum Ligeis præsentibus et futuris nisi quibus id specialiter fuerit interdictum Se Familiasque suas ad dictam Provinciam cum idoneis Navigiis et Commeatu congruo transferendi Sedesque suas ibidem collocandi incolendi et inhabitandi Castraque et Castella seu alia Fortalitia ad præfati modò Baronis de *Baltimore* et Hæredum suorum Arbitrium pro Defensione publica et sua extruendi et muniendi Facultatem Licentiam et Libertatem damus et concedimus per Præsentem Statuto de Fugitivis vel aliis quibuscunque in contrarium præmissorum in aliquo non obstantibus Volumus etiam et ex uberiori Gratia nostra pro Nobis Hæredibus et Successoribus nostris firmiter præcipimus constituimus ordinamus et mandamus quod dicta provincia de nostra ligeancia sit quodque omnes et singuli subditi ac Ligei nostri Hæredum et Successorum nostrorum in præfatam provinciam deducti vel deducendi ipsorum et aliorum de ipsis deducentium Liberi ibidem seu jam nati seu imposterum nascendi sint et erunt Indigenæ et Ligei nostri Hæredum et Successorum nostrorum Regni nostri *Angliæ* et *Hiberniæ* Ac in omnibus teneantur tractentur reputentur et habeantur tanquam fideles Ligei nostri ac Hæredum et Successorum nostrorum infra Regnum nostrum *Angliæ* oriundi Nec non Terras Tenementa Reversiones Servitia et alia Hereditamenta quæcunque infra Regnum nostrum *Angliæ* ac alia Dominia nostra hæreditare seu aliter perquirere recipere capere habere tenere emere et possidere ac eis uti et gaudere easque dare vendere alienare et legare Ac etiam omnia Privilegia Franchetias et Libertates hujus Regni nostri *Angliæ* libere quiete et pacifice habere et possidere eisque uti et gaudere possint tanquam Ligei nostri infra dictum Regnum nostrum *Angliæ* nati seu oriundi absque Impedimento Molestatione Vexatione Impetitione sive Gravamine nostri Hæredum vel Successorum nostrorum quorumcunque

rumcunque aliquo Statuto Aëtü Ordinatione seu Provisione in contrarium inde non obstante Præterea ut Subditi nostri ad Expeditionem hanc prompto et alacri animo suscipiendam incitentur sciatis quod Nos de Gratia nostra speciali ex certa Scientia et mero motu nostris tam præfato modò Baroni de *Baltimore* et Hæredibus suis quam aliis omnibus de Tempore in Tempus habitandi vel cum Incolis Provinciæ prædictæ commercium habendi Causa in Provinciam illam profecturis omnia et singula sua Bona tam mobilia quam immobilia Merces et Mercimonia Annonam etiam Generis cujuscunque aliaque ad Victum et Vestitum necessaria quæcunque per Leges et Statuta Regnorum et Dominiorum nostrorum extra eadem Regna deportari non prohibita in quibuscunque Portibus nostris Hæredum et Successorum nostrorum in Naves imponendi et onerandi et in dictam Provinciamper se vel Servos aut Assignatos suos traducendi absque Impedimento vel Molestatione nostri Hæredum vel Successorum nostrorum vel aliquorum Officiariorum nostrorum Hæredum et Successorum nostrorum (salvis nobis Hæredibus et Successoribus nostris Impositionibus Subsidiiis Custumis et aliis pro eisdem Rebus et Merchandisiis debitis et solubilibus) plenam Tenore Præsentium Licentiam damus et concedimus aliquo Statuto Aëtü Ordinatione aut alia Re quacunque in contrarium non obstante Quia vero in tam longinqua Regione inter tot Barbaras Nationes posita tam ipsorum Barbarorum quam aliorum Hostium Piratarum et Prædonum incursus verisimiliter timeri poterint Idcirco præfato modò Baroni de *Baltimore* ac Hæredibus et Assignatis suis per se vel per Capitaneos aut alios Officiarios suos omnes Homines cujuscunque Conditionis aut undecunque oriundos in dicta Provincia de *Terra Mariæ* pro Tempore existentes ad Vexilla vocandi Delectus habendi Bella gerendi Hostesque et Prædones prædictos Partes illas infestantes Terra Marique etiam ultra Provinciæ suæ Limites prosequendi eosque (si Deus dederit) profligandi et capiendi et captos Jure Belli occidendi vel pro Arbitrio suo servandi cæteraque omnia et singula quæ ad Capitanei Generalis Exercitus Jus et Officium spectant seu spectare consueverint faciendi adeo plenam et liberam ac quivis Capitaneus Generalis Exercitus unquam habuit dedimus ac pro Nobis Hæredibus et Successoribus nostris damus Potestatem per Præsentes Volumus etiam et per hanc Chartam nostram præfato modò Baroni de *Baltimore* et Hæredibus et Assignatis suis Potestatem Libertatem et Authoritatem damus ut in Casu Rebellionis repentini Tumultus aut Seditiosis si quæ (quod absit) sive super Terra infra Provinciam prædictam sive super alto Mari Itinere ad dictam Provinciam de *Terra Mariæ* faciendo vel inde redeundo oriri contigerit per se vel Capitaneos Deputatos aut alios Officiarios suos sub Sigillis suis ad hoc deputandos quibus etiam nos pro nobis Hæredibus et Successoribus nostris plenissimam per Præsentes Potestatem et Authoritatem damus et concedimus adversus Rerum novarum Partium illarum Authores seditiosos Regimini illius vel illorum se subtrahentes Militiam detrectantes Transfugas Emanfores Desertores vel aliter utcunque contra Rem Morem et Disciplinam militarem delinquentes Jure utantur militari adeo libere et in tam amplis

amplis Modo et Forma prout aliquis Capitaneus Generalis Exercitus Virtute Officii sui eo uti possit aut consuevit Porro ne Viris honestè natis et se ad præsentem Expeditionem accincturis ac bene de nobis et Regnis nostris Pace et Bello mereri cupientibus in tam remota longèque diffita Regione omnis ad Honores et Dignitates Via præclusa et penitus obsepta esse videatur propterea Nos pro Nobis Hæredibus et Successoribus nostris præfato modò Baroni de *Baltimore* et Hæredibus et Assignatis suis liberam et plenariam Potestatem damus Favores Gratias et Honores in benemeritos Cives infra Provinciam prædictam inhabitantes conferendi Eosque quibuscunque Titulis et Dignitatibus (modo tales non fuerint quæ in *Anglia* nunc sunt in Ufu) pro Arbitrio suo decorandi Villas item in Burgos et Burgos in Civitates ad Inhabitantium Merita et Locorum Opportunitates cum Privilegiis et Immunitatibus congruis erigendi et incorporandi Cæteraque omnia et singula in Præmissis faciendi quæ illi vel illis congrua et opportuna esse videbuntur Etiam si talia fuerint quæ de sua Natura Mandatum et Warrantum exigant magis Speciale quam in Præsentibus sit expressum Volumus etiam ac per Præsentes pro nobis Hæredibus et Successoribus nostris præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis omnibusque prædictæ Provinciæ Incolis et Inhabitantibus quibuscunque præsentibus et futuris per hanc Chartam nostram Licentiam damus et concedimus ut Merces quascunque et Mercimonia ex dictæ Provinciæ Fructibus et Commoditatibus terrestribus vel maritimis redigenda per se vel per Servos Factores aut Assignatos suos in quoscunque Portus nostros Hæredum et Successorum nostrorum *Anglia* aut *Hibernia* liberè inferre et exonerare aut aliter de eisdem ibidem disponere Et si Opus fuerit easdem Merces infra unum Annum ab Exoneratione earum continuò numerandum rursus in Naves easdem vel alias onerare et in quascunque voluerint Regiones sive nostras sive extraneas de Amicitia nostra Hæredum et Successorum nostrorum deportare valeant Proviso semper quod tales et talia Custumas et Impositiones Subsidia et Telonia nobis Hæredibus et Successoribus nostris inde solvere teneantur quales et qualia reliqui subditi nostri Regni nostri *Angliæ* pro Tempore existentes solvere tenebuntur ultra quas et quæ præfatæ Provinciæ dictæ Terræ *Terra Mariæ* nuncupatæ Incolas gravari volumus Et ulterius de ampliori Gratia nostra speciali ac ex certa Scientia et mero Motu nostris pro nobis Hæredibus et Successoribus nostris concedimus præfato modo Baroni de *Baltimore* Hæredibus et Assignatis suis plenam et absolutam Potestatem et Autoritatem faciendi et erigendi et constituendi infra Provinciam de Terra Mariæ ac Insulas et Insulas prædictas tot et tales Portus maritimos Navium Stationes Crecas et alia Loca Exonerationis et Depositionis Bonorum et Mercimoniorum è Navibus Cymbis ac aliis Vasis ac Onerationis in eadem et in tot et talibus Locis et cum talibus Juribus Jurisdictionibus Libertatibus et Privilegiis ad hujusmodi Portus spectantibus prout ei vel eis melius videbitur expedire quodque omnes et singulæ Naves Cymbæ et alia Vasa quæcunque Causa merchandizandi ad Provinciam

ciam et ex Provincia prædicta venientia et exeuntia ad hujusmodi Portus per dictum modò Baronem de *Baltimore* Hæredes et Assignatos suos sic erigendos et constituendos solummodo onerentur et exonerentur aliquo Ufu Consuetudine aut aliqua alia Re in contrarium non obstante Salva semper Nobis Hæredibus et Successoribus nostris et omnibus Subitis Regni nostri *Angliæ* et *Hiberniæ* Hæredum et Successorum nostrorum Libertate piscandi Piscem marinum tam in Mari Æstuariis et Fretis et Fluminibus Navigio idoneis quam in Portubus Æstuariis et Crecis Provinciæ antedictæ ac Privilegio faliendi et exsiccandi vel arefaciendi Pisces in Littoribus ejusdem Provinciæ et ea de Causa Buscam et Vimina ibidem crescentia succidere et capere et Casas et Tuguriola in hac Parte necessaria extruere prout rationabiliter hætenus usi fuerunt aut potuerunt Quibus quidem Libertatibus et Privilegiis dicti Subditi nostri Hæredum et Successorum nostrorum gaudebunt absque notabili Damno vel Injuria præfato modò Baroni de *Baltimore* Hæredibus vel Assignatis suis aut ejusdem Provinciæ Incolis et Inhabitantibus in Portubus Crecis aut Littoribus prædictis et præsertim in Boscis et Sylvis ibidem crescentibus aliquialiter fienda Et si quis hujusmodi Damnum fecerit aut Injuriam gravis Indignationis nostræ Hæredum et Successorum nostrorum debitæque Legum Castigationis Periculum Pœnamque præter Emendationem subeat Volumus insuper statuimus et ordinamus ac per Præsentes pro Nobis Hæredibus et Successoribus nostris concedimus præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis quod idem Baro de *Baltimore* Hæredes et Assignati sui de Tempore in Tempus in perpetuum habeant et gaudeant Telonia et Subsidia in Portubus Navium Stationibus et aliis Crecis et Locis prædictis infra Provinciam prædictam solubilia sive emergentia pro Mercimoniis et Rebus ibidem onerandis et exonerandis per ipsos et Populos ibidem ut prædictum est Occasione emergente rationabiliter assidenda Quibus eadem justa de Causa debita Proportione assidere et inducere Telonia et Subsidia ibidem Potestatem pro Nobis Hæredibus et Successoribus nostris damus per præsentes Et ulterius de Gratia nostra speciali ac ex certa Scientia et mero Motu nostris dedimus concessimus et confirmavimus ac per Præsentes pro Nobis Hæredibus et Successoribus nostris damus concedimus et confirmamus præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis plenam et absolutam Licentiam Potestatem et Autoritatem Quod ipse præfatus modò Baro Hæredes et Assignati sui de Tempore in Tempus in posterum imperpetuum ad ejus vel eorum Libitum et Voluntatem possint et valeant assignare alienare concedere demittere vel feoffare òremissorum tot tales et tantas Partes et Parcelas eas perquirere volenti vel volentibus quot quales et quantas duxerint opportunas habendum et tenendum eisdem Personæ et Personis eas capere vel perquirere volenti vel volentibus Hæredibus et Assignatis suis in Feodo simplici vel Feodo talliato vel pro Terminò Vitæ Vitarum vel Annorum Tenendum de præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis per tot talia et tanta hujusmodi Servitia Consuetudines et Redditus quot quanta et qualia eidem modò Ba-

roni de *Baltimore* Hæredibus et Assignatis suis visum fuerit vel placuerit et non de nobis Hæredibus et Successoribus nostris immediatè et eisdem Personæ et Personis et earum cuilibet et quibuscumque damus et per Præsentes pro Nobis Hæredibus et Successoribus nostris concedimus Licentiam Authoritatem et Potestatem quod tales Persona et Personæ Præmissa sive aliquam inde Parcelлам de præfato modò Barone de *Baltimore* Hæredibus et Assignatis suis recipere possit et possint ac tenere sibi et Assignatis suis vel Hæredibus suis de quocunque Statu Hæreditario in Feodo simplici vel Feodo talliato vel aliter prout eis et modò Baroni de *Baltimore* Hæredibus et Assignatis suis videbitur expedire de eodem Barone de *Baltimore* Hæredibus et Assignatis suis Statuto in Parlamento Domini *Edwardi* Filii Regis *Henrici* nuper Regis *Angliæ* Progenitoris nostri edito communiter vocato "*Statutum quia Emptores Terrarum*" in Regno nostro *Angliæ* dudum edito aut aliquo alio Statuto Aëtu Ordinatione Ufu Lege vel Consuetudine aut aliqua alia Re Causa vel Materia in contrarium inde antehac habita facta edita ordinata seu provisa in contrarium inde non obstante Ac eidem Baroni de *Baltimore* et Hæredibus suis Particulas aliquas Terræ infra Provinciam prædictam in Maneria erigere et in Maneriorum eorum singulis habere et tenere Curiam Baronis et omnia quæ ad Curiam Baronis pertinent et visum Franciplegii ad Conservationem Pacis et melius Partium illarum Regimen per se et Seneschallos suos vel aliorum Maneriorum illorum cum constituta fuerint Dominos pro Tempore existentes deputandos habere et custodire et in eisdem omnibus uti ad Visum Franciplegii pertinentibus Licentiam damus et concedimus per Præsentes Ac ulterius volumus ac per Præsentes pro Nobis Hæredibus et Successoribus nostris convenimus et concedimus ad et cum præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis quod nos Hæredes et Successores nostri nullo Tempore imposterum aliquas Impositiones Custumas aut alias Taxationes Quotas seu Contributiones quascunque imponemus aut imponi faciemus aut causabimus in aut super Incolas aut Inhabitantes Provinciæ prædictæ pro Bonis Terris vel Tenementis suis infra eandem Provinciam aut super aliqua Tenementa Terras Bona seu Catalla infra Provinciam prædictam aut in aut super aliqua Bona vel Merchandizas infra Provinciam prædictam aut infra Portus aut Navium Stationes dictæ Provinciæ onerandas seu exonerandas et hanc Declarationem nostram in omnibus Curii et Prætoriis et coram quibuscunque Judicibus nostris Hæredum et Successorum nostrorum pro sufficiente et legitima Liberatione Solutione et Acquietantia inde de Tempore in Tempus recipi et allocari volumus ac pro nobis Hæredibus et Successoribus nostris jubemus et mandamus præcipientes omnibus et singulis Officiariis et Ministris nostris Hæredum et Successorum nostrorum et sub gravi Indignatione injungentes ne quid in contrarium Præmissorum ullo unquam Tempore attemptare audeant aut eisdem ullo modo contraveniant sed præfato modò Baroni de *Baltimore* et Hæredibus ac præfatæ Provinciæ de *Terra Mariæ* Incolis et

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Mercatoribus prædictis eorumque Servis et Ministris Factoribus et Assignatis in plenissimo hujus Chartæ nostræ Ufu et Fruitione omni Tempore prout decet auxiliantur et assistant Et ulterius volumus ac per Præsentes pro Nobis Hæredibus et Successoribus nostris concedimus præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis et dictæ Provinciæ Terræ-tenentibus Habitatoribus præsentibus et futuris et singulis eorum quod Provincia prædicta Terræ-tenentes vel Incolæ ejusdem Coloniam aut Patriæ vel Terræ *Virginiam* aut alicujus alterius Coloniam deductam vel deducendam Membrum vel Pars de cætero non habeantur vel reputentur aut de eisdem dependentes sint aut Regimine sub sint in aliquo Ipsamque et ipsos ab eisdem separamus et separatos esse volumus per Præsentes ac quod Coronæ nostræ *Angliæ* immediate sint subiecti et de eadem dependentes imperpetuum Et si fortè impofterum contingat Dubitationes aliquas Questiones circa verum Sensum et Intellectum alicujus Verbi Clausulæ vel Sententiæ in hac præsentī Charta nostra contentæ generari eam semper et in omnibus Interpretationem adhiberi et in quibuscunque Curiis et Prætoriis nostris obtinere volumus præcipimus et mandamus quæ præfato modò Baroni de *Baltimore* Hæredibus et Assignatis suis benignior utilior et favorabilior esse judicabitur Proviso semper quod nulla fiat Interpretatio per quam sacro-sancta Dei et vera Christiana Religio aut Ligeantia Nobis Hæredibus et Successoribus nostris debita Immunitatione Prejudicio vel Dispendio in aliquo patiantur Eo quod expressa Mentio * &c.

In cujus Rei &c T. R. apud *Westmonasterium* XX^o. Die Junii.

Per Breve de Privato Sigillo.

* "So endeth the attested Copy, taken in the Year 1758, from the original Record remaining in the Chapel of the Rolls, and signed by HENRY ROOKE, Clerk of the Rolls from whence the above is transcribed. The said Copy is entitled at the Head, *Tertia Pars Potentium de Anno Regni CAROLI OCTAVO*; and at the End is written" as above beginning with *In cujus Rei*.

ORDER OF COUNCIL *upon the Dispute between the VIRGINIA
PLANTERS and Lord BALTIMORE.*

[Votes of the Assembly of Pennsylvania.]

At the Star-Chamber, Third of July 1633.

P R E S E N T.

Lord Keeper,
Lord Privy Seal,
Lord High Chamberlain,
Earl of Dorset,
Earl of Bridgewater,

Earl of Danbye,
Lord Viscount Wentworth,
Lord Viscount Falkland,
Lord Cottington,
Mr. Secretary Windebank.

WHEREAS an humble Petition of the Planters in *Virginia*, was presented to his Majesty, in which they remonstrate, that some Grants have lately been obtained, of a great Proportion of Lands and Territories within the Limits of the Colony there, being the Places of their Traffick, and so near the Places of their Habitations, as will give a general Disheartening to the Planters, if they be divided into several Governments, and a Bar to that Trade which they have long since exercised towards their Supportation and Relief, under the Confidence of his Majesty's Royal and gracious Intentions towards them, as by the said Petition more largely appeareth. Forasmuch as his Majesty was pleased on the Twelfth of *May* last to refer to the Board the Consideration of this Petition; that upon the Advice and Report of their Lordships, such Order might be taken as to his Majesty's Wisdom should seem best; it was thereupon ordered, upon the Fourth of *June* last, that the Business should be heard the second *Friday* in this Term, which was the Twenty-eighth of the last Month, that all Parties interested should then attend, which was accordingly performed; and their Lordships having heard the Cause, did then order, that the Lord *Baltimore*, being one of the Parties, and the Adventurers and Planters of *Virginia* aforesaid, should meet together between that Time and this Day, and accommodate their Controversy in a friendly Manner, if it might be; and likewise set down in Writing the Propositions made by either Party, with their several Answers, and Reasons to be presented to the Board this Day, which was likewise accordingly done. Now their Lordships having heard and maturely considered the said Propositions, Answers, and Reasons, and whatsoever else was alledged on either Part, did think it fit to leave the Lord *Baltimore* to his Patent, and the other Parties to the Course of Law, according to their Desire; but for the preventing of further

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Questions and Differences, their Lordships did also think fit and order, that Things stand as they do ; the Planters on either Side shall have free Traffick and Commerce each with the other, and that neither Part shall receive any fugitive Person belonging to the other, nor do any Act which may draw a War from the Natives upon either of them; and lastly, that they shall sincerely entertain all good Correspondence, and assist each other upon all Occasions, in such Manner as becometh Fellow-Subjects and Members of the same State.

A SPECIAL COMMISSION *to* THOMAS YOUNG, *to search, discover, and find out what Parts are not yet inhabited in VIRGINIA and AMERICA, and other Parts thereunto adjoining.*

[Rymer, Vol. XIX. P. 472. A. D. 1633.]

CHARLES, by the Grace of God, &c. To all to whom these Presents shall come, Greeting. Whereas our trusty and welbeloved Subject, *Thomas Young*, of *London*, Gentleman, hath humbly offered unto us, to discouer diuers Nations, Countries, Seas, Straights, Riuers, and Trades in *Virginia*, and other Parts of *America*, as yet undiscovered, unfrequented, and not inhabited by any of our Subjects, nor actually in the Possession of any Christian Prince or State, to the great Benefit of Us, our Heires and Successors, and of our Subjects, and hath further offered to make the said Discoueries, without putting Us to any Charge: Know yee therefore, that Wee being graciously pleased to accept of the Endeavours of the said *Thomas Young*, and willing to further and assist him therein with our Power and Royal Authority, of our especial Grace, certain Knowledge, and meer Motion, do by these Presents, giue unto the said *Thomas Young*, and such Masters, Marriners, Sailors, and others, as will associate and comfort themselues with him in that Voyage, free Libertie and Licence, and full Power and Authority from Tyme to Tyme, and at all Tymes hereafter, under our Ensignes to discouer, find out, search and view the Seas, Coasts, Bays, Straights, Creeks, Riuers, and Passages in *Virginia*, and other Parts of *America*, and the Territories near unto them, or unto which they lead, and in any of our Dominions to prepare and make ready such Ships, Barques, or Vessells, as shall be necessary for that Voyage or Discouery, with all Kind of Furniture, Ordnance, Arms, Munitions, Prouisions and Commodities, necessary for him

him and such of our Subjects as will accompany him and them in the said Voyage, and them to carry with them without Lett, Interruption, or Restraint of Us, our Heires and Successors, any Law, Statute, Proclamation, Letters-patents, Charter, or proviso to the contrary notwithstanding; and with their Ships and Vessels to sail, pass, and depart out of this our Realme, or any our Realms, or Dominions, or Territories, and in those Ships or Vessels to go unto, visit, discover, and frequent any Country, Region, Harbour, River, Straight, Creek, Bay, Port, Passage, or any other Place whatsoever in *Virginia* or *America*, which he the said *Thomas Young* shall see necessary or convenient to go unto for the discovery aforesaid. And moreover, for the better Encouragement of the said *Thomas Young*, of our more especial Grace and meer Motion, Wee do further give and graunt unto the said *Thomas Young*, and his Assignes, full Power and Authority to carry in the said Ships, such Goods, Merchandizes, and Commodities, as by the Laws of this Realme are not prohibited to be transported into foreign Parts, and to trade, traffique and merchandize with such the People and Inhabitants of the Nations, Countries, Kingdoms, and Territories which he shall discover, or with any other Nations in their passage to and fro, and in our Name and for our Use to take possession of all such Countries, Lands and Territories, as are yet undiscovered, or not actually in the possession of any Christian Prince, Country, or State, and therein to erect our Banners, and to enter Friendship and Alliance with the Princes, Gouvernours and People, as well of the parts which they shall discover or repair unto, as in their passages to and from those places, and to receive so many of them, not of the actual Obedience of any Christian Prince, into our Faith and Allegiance, as shall be willing to submit themselves under our Obedience. And for the better effecting of this our pleasure, Wee do by theis Presents, constitute and make the same *Thomas Young*, Governor and Commander of such Vessels and Men, as he shall take and carry forth with him at any tyme to make the said Discovery: And that it shall and may be lawfull for him to appoint such Captains, Commaunders, Governours and Officers, as he shall have occasion to use in that Expedition; and that he and they should have full Power and Authority to govern, rule, punish, correct, and execute or pardon, condemn or do any further Act of Justice against any of his own Company offending, either at Sea or on Land, in any Country, or Place wherefoever he or they shall go or arrive unto, in as absolute manner as any Generall of any Army of ours, can or ought to do the same: And Wee do by theis Presents for Us, our Heires and Successors, inhibit all other Person and Persons whatsoever to trade unto, traffique with, visit, or frequent any Countries, Regions, Territories, or Places, which the said *Thomas Young*, or his Assignes shall discover, not being under the Subjection or Obedience of any Christian Prince, without the special Licence of the said *Thomas Young*, first had in Writing under his Hand and Seale; and that if any other Person or Persons shall at any

Time hereafter trade unto, visit, haunt, or frequent any the Places aforesaid, without Licence as aforesaid, That then the Ships, Goods, and Merchandize of the said Persons so trading, visiting, haunting, or frequenting without Licence as aforesaid, shall be forfeited, and it shall be lawfull for the said *Thomas Young* them to seize and take, whereof the one-half shall be to the use of Us, our Heires and Successors, and the other to the said *Thomas Young*, his Heires and Assignes. And moreover, Wee do give and graunt unto the said *Thomas Young*, and others of his Consortship, full Power and Authority, that if in their Voyage aforesaid, either outward or homeward, at Sea or on Shoare, or in the Places or Territories which he the said *Thomas Young* shall so discover, any forceable Invasion or hostile Act be offered unto any of them, either by the Nations which hee or they shall discover, or by any other Person or Persons whatsoever, that it shall be lawfull to and for them to repell them, and by Force of Arms to take them and use them as Enemies, and necessity requiring to kill and slay them, or saue and pardon them at his and their pleasure. And moreover, Wee do giue and graunt unto the said *Thomas Young*, free Liberty and Licence to go on Shoare in any Places he or they shall discover, and in all Grounds and Waters where he shall think fit, to seek for Metalls and Mines of Gould or Silver, or any other Metalls, or for any precious Stones, Gemms, or Pearl, and that he shall wholly enjoy all such precious Stones, Pearl and Gemms, Mines of Gould and Silver, as he and they shall find and gett, rendring to Us, our Heires and Successors, the fifth of all Gould and Silver Oare, and of all precious Stones, Pearl and Gemms, which he or his Deputies, Seruants or Assignes, shall find and get. And moreover, Wee do give unto the said *Thomas Young*, free Liberty and Authority to make and set up Factories in any Places he shall discover, and there to fortify with Fortresses and Ordnance, and leaue as many of our Subjects, with Arms, Munition, and other Provision, at the Discretion of the said *Thomas Young*, as to himself shall seem needfull, thereby to resist those Nations and Countries that shall attempt by Force to expell them from thence, and to keep and defend for Us, the said Countries, Ports and Places, and to expell, repell and resist all those that shall attempt to pass into any of those Regions, Countries, or Passages, to be discovered by the said *Thomas Young*, as also to surprize all others with their Vessells, Ships and Goods, who shall seek to inhabit or trade with the People of any of the said Countries or Nations, or to pass into the same without the special Leave, Licence, and Liking of the said *Thomas Young*, and that he and his Company may detain and keep Prisoners, and make lawfull prize of such Persons and euery of them, with their Ships, Vessells, and Goods. And Wee do further by theis presents, for Us, and our Heires, give and grant, that all those People which are, or shall be our Subjects born, and which shall inhabit, plant, or reside in the said Countries so to be discovered, and their Children, and Offspring and Descent of them there born, shall
be

be of our Allegiance, and free Denizens of *England*: And Wee command all our Admiralls, Vice-Admiralls, Maiors, Sheriffs Justices of Peace, Bailiffs, Customers, Comptrollers, and all our Captains and Commanders, and all other our Officers, Ministers, and Subjects whatsoever, in all our Kingdoms and Dominions, and in all our Towns, Ports and Countries whatsoever, that they shall be aiding and assisting to the said *Thomas Young*, his Heirs and Assigns, in whatsoever shall be needfull for the Furthering of his said Voyage and Discoveries; and do require all the Gouvernors of Provinces, and other Magistrates and Captains of all Provinces of our Alliance, to suffer the said *Thomas Young*, and his Company to have free passage (they doing no Injury or Violence) through their Territories and Countries, without offering to any of them any Force, Injury, or Greivance, as under our safe Conduct, and as they would should be done to their Subjects.

In Witnes, &c.

Witnes Our Selfe at *Canbury*, the three and twentieth Day of *September*.

PER IPSUM REGEM.

THE COPIE of an Order made at the Council Table February 21. 1633.
about the Plantation in New England.

[Hubbard's MSS. History, Fol. 109.]

WHEREAS the Board is given to understand of the frequent Transportation of great Numbers of his Majesty's Subjects out of this Kingdom to the Plantation of New England, amongst whom divers Persons knowne to be ill affected, discontented not only with civill but ecclesiasticall Government here, are observed to resort thither, whereby such Confusion and Distraction is already growne there, especially in Point of Religion, as beside the Ruin of the said Plantation, cannot but highly tend to the Scandall both of Church and State here: And where-as it was informed in particular, that there are at this present, divers Ships in the River of Thames, ready to set Saile thither, freighted with Passengers and Provisions; it is thought fitt, and ordered, that Stay should be forthwith made of the said Ships untill further Order from this Board: And the severall Masters and Fraightors of the same should attend the Board on Wednesday next in the Afternoon, with a List of the Passengers and Provisions in each Ship: And that Mr. Cradock,

a chief Adventurer in that Plantation, now present before the Board, should be required to cause the Letters-patents for the said Plantations to be brought to this Board.

Lord Archbishop of Canterbury,
 Lord Archbishop of York,
 Lord Privy Seale,
 Earle of Manchester,
 Earle of Dorset,

Lord Cottingham,
 Mr. Vice Chamberlain,
 Mr. Secretary Cooke,
 Mr. Secretary Windebank,
 Tho. Meautis.

A LETTER *from* THOMAS MORTON *to* Mr.

JEFFERIES.

[Hubbard's M. S. History, Fo. 234.]

MY VERY GOOD GOSSIP,

IF I should commend my self to you, you would reply with this Proverbe, *Propria laus fordet in ore*; but to leave impertinent Salutes, and really proceed, you shall hereby understand, that although when I was first sent to England, to make Complaint against Ananias and the Brethren, I effected the Business but superficially, (through the Brevity of Time) I have at this Time taken Deliberation, and brought the Matter to a better pass: And it is thus brought about, that the King hath taken the Matter into his owne Hands. The Massachusetts Patent by an Order of the Council was brought in View: The Priviledges therein granted well scanned upon, and at the Council Board in Public, and in the presence of Sir Richard Saltonstall and the Rest, it was declared (for manifold Abuses therein discovered) to be uoyd: The King hath reassumed the whole Business into his owne Hands, appointed a Committee of the Board, and given Order for a Generall Gouvernour of the whole Territory to be sent over: The Commission is past the Privy Seale; I did see it, and the same was imo. of May sent to my Lord Keeper to have it pass the Great Seale for Confirmation, and I now stay to returne with the Gouvernour, by whom all Complainants shall have Relief. So that now Jonas being set ashore, may safely cry, repent, you cruel Schismatics, repent here are yet but 40 Dayes; if Jove vouchsafe to thunder, the Charter and Kingdome of the Separatists will fall asunder. Repent, you cruel Schismatics, repent. These Things have happened; and I shall see (notwithstanding their Boasting and false Alarums in the Massachusetts, with
forged

forged Cause of Thanksgivings) their mercileſs Cruelty rewarded according to the Merit of the Faſt, with condigne Punishment; for coming into thoſe Parts, like Sampſon's Foxes with Firebrands at their Tayles, the King and Council are really poſſeſſed of their prepoſterous Loyalty, and irregular proceedings, and are incenſed againſt them. And although they be ſo oppoſite the Catholic Axioms, yet they will be compelled to performe them, or at leaſt wiſe ſuffer them to be put in practice, to their Sorrow; in Matter of Reſtitution and Satisfaction, more than myſtically, it muſt be performed viſibly, and in ſuch Sort as will be ſubject to the Senſes, in a very lively Image. My Lord of Canterbury, with my Lord Privy Seale, having cauſed all Mr. Cradock's Letters to be viewed, and his Apology for the Brethren particularly heard, proteſted againſt him and Mr. Humphreys, that they were a Couple of impoſterous Knaves; ſo that for all their great Friends they departed the Council Chamber in our View with a pair of cold Shoulders: I have ſtaid long, yet have not loſt my Labour, although the Brethren have found their Hopes fruſtrated, ſo that it follows by Conſequence, that I ſhall ſee my Deſire upon mine Enemies; and if Jo: Grant had not betaken himſelf to Flight, I had taught him to ſing Clamavi in the Fleet before this Time, and if he returne before I depart, he will pay deare for his Preſumption. For here he finds me a ſecond Perſeus, I have uncaſed Meduſa's Head, and ſtruck the Brethren into Aſtoniſhment; they find, and yet will more to their Shame, that they abuſe the Word, and are to blame, to preſume ſo much, that they are but a Word and a Blow to them that are without: Of thoſe Particulars I thought good, by ſo convenient a Meſſenger to give you Notice, leſt you ſhould think I had died in Obſcurity, as the Brethren vainly intended I ſhould, and baſely practized abuſing Juſtice to their ſiniſter Practices, as by the whole Body of the Committee it was, una voce, concluded to be done to the Diſhonour of his Maſteſty. And as for Ratcliff he was comforted by their Lordſhips, with the cropping of Mr. Winthroe's Eares, which ſhews what Opinion is held among them of K. Winthroe, with all his Inventions, and his Amſterdam fantaſtical Ordinances; his Preachings, Marriages, and other abuſive Ceremonies, which do exemplify his Detestation to the Church of England, and the Contempt of his Maſteſty's Authority and wholeſome Lawes, which are and will be eſta bliſhed in thoſe Parts, In vita Minerva; with theſe I thought to ſalute you as a Friend, by an Epiſtle, becauſe I am bound to love you as a Brother by the Goſpell, reſting

Your loving Friend,

THOMAS MORTON.

Dat. 1^{mo}. May, 1634.

DE COMMISSIONE SPECIALI *Domino Archiepiscopo Cantuariensi et aliis.*

[Pownal on the Colonies. Appendix. A. D. 1634.]

REX &c. reverendissimo in Christo patri et perquam Fideli consiliario nostro Willielmo providentiâ divinâ Cantuariensi archiepiscopo totius Angliæ primati et metropolitano Ac perdilecto et perquam Fideli consiliario nostro Thome domino Coventrie magni Sigilli nostri Angliæ custodi Ac etiam reverendissimo in Christo patri ac perdilecto et perquam fideli consiliario nostro Ricardo providentiâ divinâ Eborum Archiepiscopo Angliæ primati et metropolitano * Necnon reverendo in Christo patri et perdilecto et perquam Fideli consiliario nostro * Willielmo Episcopo London summo thesaurario nostro Angliæ perdilectisque et perquam fidelibus consanguineis et consiliariis nostris Henrico comiti Manchester privati sigilli nostri custodi Thome Comiti Arundell et furr' comiti marescallo Angliæ Edwardo Comiti Dorchestrie camerario percharissime confortis nostre regine Ac perdilectis et fidelibus consiliariis nostris Francisco Domino Cottington Cellarium et subthesaurario scaccarii nostri ac magistro Curie nostre Wardorum et Liberationum Thome Edmonds militi Thesaurario Hospitii nostri Henrico Vane militi Controrotulatori Hospitii nostri Johanni Coke militi secretariorum nostrorum primariorum uni et Francisco Windebanke militi secretariorum nostrorum primariorum alteri salutem Cum subditorum nostrorum et nuper patris nostri domini Jacobi nuper Regis Angliæ memorie recolende nonnulli regiâ licentiâ mediante imperii nostri territoria non tantum dilatandi studio sed precipuè ex pio et religioso domini nostri Jesu Christi evangelium propagandi affectu et desiderio copiosas gentis Anglicane Colonias summa industria et magnis expensis in diversas mundi plagas incultas penitus et incolis vacuas vel a barbaris nullam divini numinis notitiam habentibus occupatas deduci fecerunt nos eorum Tranquillitati prospicere volentes gratiosè et quieti vestrumque fide prudentiâ Justitia et provida circumspectiōne plenius confidentes constituimus vos predictos Archiepiscopum Cantuariensem dominum custodem magni sigilli nostri Angliæ Eboracensem archiepiscopum Dominum thesaurarium nostrum Angliæ dominum custodem privati sigilli nostri comitem marescallum Angliæ Edwardum Comitem Dorchestrie Franciscum Dominum Cottington Thomam Edmonds Militem Henricum Vane

* Hubbard has it "Our right trusty and well beloved Cousin and Counsellor Richard Earle of Portland, and High Treasurer of England, Henry Earle of Manchester" &c.

Vane Militem Johannem Coke Militem et Franciscum Windebanke militem et quolibet quinque vel plures vestrum commissionarios nostros et vobis et quibuscumque vel pluribus vestrum damus et committimus potestatem ad regimen et tutamen dictarum coloniarum deductarum vel que gentis Anglicane impofterum fuerint in partibus hujusmodi deducte leges constitutiones et ordinationes seu ad publicum coloniarum illarum statum seu ad privatam singulorum utilitatem pertinentes eorumque Terras bona debita et fucceffionem in eisdem partibus concernentes ac qualiter invicem et erga principes exteros eorumque populum nos etiam et subditos nostros tam in partibus exteris quibuscumque quam in mari in partes illas vel retro navigando se gerant vel que ad sustentationem cleri regimen vel curam animarum populi in partibus illis degentis exercentis congruas portiones in decimis oblationibus aliisque proveniibus designando spectant juxta sanas Discretionem vestram in politicis et civilibus et habito concilio duorum vel trium episcoporum quos ad vos convocandos duxeritis necessarios in ecclesiasticis et clero portiones designando condendi faciendi et edendi ac in legum constitutionum et ordinationum illarum violatores penas et multas impositionem incarcerationem et aliam quamlibet coercionem etiam si oporteat et delicti qualitas exigerit per membri vel vite privationem inflingendas providere cum potestate etiam (nostro adhuc assensu) gubernatores et prefectos coloniarum illarum a locis suis amovere ex causis que vobis legitime vise fuerint aliosque eorum loco constituere ac de eis rationem prefecture et regiminis suorum exigere et quos culpabiles inveneritis vel a loci privatione multe impositione de bonis eorum in partibus illis levando vel abdicatione a provinciis illis quibus prefuerint vel aliter secundum quantitatem delicti castigare iudicesque et magistratus politicos et civiles ad causas civiles et cum potestate et sub formâ quâ vobis quinque vel pluribus vestrum videbitur expedire ac iudices magistratus et dignitates ad causas ecclesiasticas et sub potestate et formâ que vobis quinque vel pluribus vestrum episcopis suffraganeis (archiepiscopo Cantuariensi pro tempore existenti consulto) videbitur expedire, constituere et ordinare curiasque pretoria et tribunalia tam ecclesiastica quam civilia judiciorum formas et procedendi modos in eisdem et ab eis appellandi in causis et negotiis tam criminalibus quam civilibus personalibus realibus et mixtis pretoriis seu de equo et bono constituendi et que crimina delicta vel excessus contractus vel injurias ad forum ecclesiasticum et que ad Forum civile et pretorium spectare debeant determinare Proviso tamen quod leges ordinationes et constitutiones hujusmodi executioni non mandentur quo usque assensus noster eisdem adhibeatur regius in scriptis sub signetto nostro signatis ad minus et hujusmodi assensu adhibito eisque publice promulgatis in provinciis in quibus sint exequende leges ordinationes et constitutiones illas plenarie juris firmitatem adipisci et ab omnibus quorum interesse poterit invio labiter observari volumus et mandamus liceat ta-

men vobis quinque vel pluribus vestrum ut predictum est leges constitutiones et ordinationes sic edendas licet promulgate fuerint assensu nostro regio mutare revocare et abrogare aliasque novas in forma predicta de tempore in tempus facere et edere ut predictum est novisque emergentibus malis vel periculis nova apponere remedia prout decet toties quoties expediens vobis videbitur et necessarium Sciatis ulterius quod constituimus vos et quoslibet quinque et plures vestrum prefatos Willielmum archiepiscopum Cantuariensem Thomam Dominum Coventrie magni Sigilli nostri Anglie custodem, Ricardum Eboracensem Archiepiscopum Dominum Thesaurarium Henricum comitem Manchester Thomam comitem Arundelle et Surriae Edward comitem Dorchestrie Franciscum dominum Cottington Thomam Edmonds militem Henricum Vane militem Johannem Cooke militem et Franciscum Windesbanke militem commissarios nostros ad audiendum et terminandum juxta sanas discretionis vestras omnimodas querelas sive contra colonias ipsas seu eorum prefectos vel gubernatores ad instantiam partis gravate vel ad delationem de injuriis hinc vel inde inter ipsas vel ipsorum membra aliquod illatis movendas, partesque coram vobis evocare ac partibus vel eorum procuratoribus hinc et inde auditis plenum justitie complementum exhibendum dantes vobis et quibuslibet quinque vel pluribus vestrum quod si quas coloniarum predictarum vel aliquem prefectorum eorum ditiones alienas injuste possidendo vel usurpando vel invicem seipfos gravando seu nobis rebelles a fide nostra subtrahendo aut mandatis nostris non obtemperantes inveneritis nobis prius in hac parte consultis colonias hujusmodi et prefectos eorum ob causas predictas vel aliis justis de causis vel in Angliam redire aut ad alia loca designanda divertere mandare prout secundum sanas discretionis vestras equum justum vel necessarium videbitur Damus insuper vobis et quibuslibet quinque vel pluribus vestrum potestatem et mandatum speciale ad omnia chartas literas patentes et rescripta regia de regionibus provinciis insulis vel terris in partibus exteris colonias deducuntibus concessa vobis duci facienda iisque inspectis si que eorum surreptivè vel indebitè obtenta vel per eadem privilegia libertates vel prerogativa nobis et corone nostre vel principibus exteris nociva et prejudicialia indulta vel concessa fuisse vobis quinque vel pluribus vestrum innotescat ea secundum legem et consuetudinem regni nostri Anglie revocari jubere ceteraque agendi quæ ad regimen salutare et tutamen coloniarum predictarum et subditorum nostrorum in eisdem residentium fuerint necessaria et ideo vobis mandamus quod circa premissa ad dies et loca que ad hoc provideritis diligentes sitis intendentes prout decet precipiendo etiam et firmiter injungendo damus in mandatis omnibus et singulis prefectis provinciarum in quas colonie predictæ deductæ sint vel fuerint et singulis de coloniis ipsis et aliis quorum in hac parte interest quod vobis in premissis sint inten-

tes mandatisque vestris in eisdem obtemperantes et obedientes quoties et prout ex parte vestra fuerint requisiti sub periculo incumbenti.

In cujus rei &c.

Teste rege apud Westmonasterium decimo die Aprilis.*

PER IPSUM REGEM.

A CONCLUSION *of the Lords Commissioners for the Government of*
NEW-ENGLAND.

SIR Ferdinando Gorges is made Governor of the whole Country.—They have divided the Country in twelve Provinces.—And they disposed it into the Hands of twelve Men—out of which twelve Men there is a Governor continually to be chosen.

AN ORDER *sent to the Lord Warden of the CINQUE PORTS, and other*
Haven Towns, by the Lords Commissioners.

After our hearty Commendations to your good Lordships, &c.

WHEREAS it appeareth great numbers of his Majesty's Subjects have been and are every Year transported into those Parts of America which hath been granted by Patent to several Persons, and there settled themselves, some of them with their Families and whole Estates; amongst which numbers there are many idle and refractory Humours, whose only End is to live as much as they can without the Reach of Authority:

X x 2

Wee

* Hubbard dates it "at Westminster 28th Day of April, in the tenth year of our Reigne." He agrees with the above in all the *Powers* granted. King James died the 27. of March 1625—The commission was witnessed the 28th of April, in the *tenth* year of the king's reign, which must therefore be 1634; this agrees with the Commissioners order to the Lord Warden of the Cinque Ports, which is dated Whitehall, December 1634.

Wee having according to the Power wherewith we were intrusted by his Majesty's Commission for Matters of Plantation, seriously considered how necessary it is, for weighty and important Reasons to take careful and effectual order, for the stopping of such promiscuous and disorderly departing out of the Realm, Do therefore pray and require your Lordships to charge and command your several Officers in the Cinque Ports, not to suffer any Person, being a Subsidy Man, to imbarke himself in any of the same Ports, or the Members thereof, for any of the said Plantations without Licence from his Majesty's Commissioners: Nor any Person under the Degree of a Subsidy Man, without an Attestation from a Justice of the Peace living near the Place where he dwelt last, or where he dwelt before if he have dwelt but a while there, that he hath taken the Oath of Supremacy and of Allegiance; and the like Testimony from the Minister of the Parish of his Conversation, and Conformity to the Orders of Discipline of the Church of England. And we do in the like Manner pray and require your Lordships to return to us every half Year, a particular perfect List of the Names and Qualities of all those that have been in the mean Time imbarqued in the Ports aforesaid, or the Members thereof, for any the Plantations beforementioned; and so we bid your Lordships heartily FAREWELL.

From Whitehall, Dec. 1634.

Your Lordships very loving Friends,

Arch B. B.	Cottington,
Keeper,	Mr. Treasurer,
Treasurer,	Mr. Controwler,
Privie Seal,	Se. Cooke,
Arundell,	Se. Windebanke.
Dorset,	

EXTRACTS *from the Records of the first Church at PLYMOUTH in NEW-ENGLAND, which begin with "A Breife Ecclesiasticall History of the CHURCH of CHRIST att PLYMOUTH Anno Domi 1680."* By *Nathaniell Morton.*

C H A P. I.

WHEN by the trauell and Dilligence of some Godly and zealous Preachers, and God's Blessing on their labours as in other places of the Land, soe in the north partes many become Inlightened by the word of God, and had their Ignorance and sinnes discovered by the word of God's Grace, and began by his Grace to Reforme their lives and make Conscience of their wayes, the worke of God was noe sooner manifest in them, but presently they were both scoffed and scorned by the prophane Multitude and the Minnesters vrged with the yoake of Subscribition, or else must be silenced, and the poor people were soe vexed with apparrators and Pursuants and the Comission courts as truly their affliction was not smale; which notwithstanding they bare sundry years with much patience vntill they were occationed by the continuance and Increase of these troubles and other meanes which the Lord raised vp in those Days, to see further into thinges by the Light of the word of God, how not onely those base beggerly Ceremonies were vnlawfull, but alsoe that the lordly tiranous power of the Prelates ought not to be submitted to, which those Contrary to the Freedome of the Gospell would load and burthen mens Consciences with, and by their Compulsive power make a prophane mixture of persons and thinges in the worship of God; and that their offices and Callings Courts, and Cannons, &c. were vnlawfull and antichristian being such as have noe warrant in the word of God, but the same that were vsed in Popery and still Retained; of which a famous Auther thus writeth in his Dutch Comentaries.

"Att the Coming of Kinge James out of Scotland into England, the new Kinge (saith he) found there established the Reformed Religion; according to the Reformed Religion of Kinge Edward the sixt, retaining or keeping still the spirituall state of the bishopps, &c. after the old manor, much varying and Differing from the Reformed Churches of Scotland, France, and the Netherlands, Embden, Geneva, &c. whose Reformation is Cutt or shapen much nearer the first Churches as it was vsed in the Apostles times."

Soe many therefore of these professors as saw the euill of they thinges, in these yles, and whose hearts the Lord had touched with heavenly Zeale for his Truth, they shooke of this yoaके of Antichristian Bondage, and as the Lord's Free people Joyned themselues (by a Covenant of the Lord) into a Church estat in the Fellowship of the Gospell, to walke in all his wayes made knowne or to be made knowne vnto them, according to their best endeauors whatsoever it should cost them, and that it cost them much paines, trouble, sorrow, affliction, and persecution and expence of their estates, &c. this ensuing history will declare.

These people became two distinct bodyes or Churches in Regard of distance of place, and did Congregate Severally, for they were of severall townes and villages; some in Nottinghamshire, some in Lankisheire, and some of Yorksheire where they bordered nearest together: In the one of these Churches besides others of note was Mr John Smith, a man of able Giftes and a Good preacher, whose afterwards was chosen their Pastour; but these afterwards falling into some errors in the low Countreyes, there for the most parte buried themselves and their names.

Eut in this other Church, which must be the subject of our Discourse, besides other worthy men was Mr. Richard Clifton, a Grave and reverend Preacher, whose by his paines and Dilligence had done much Good, and vnder God had bin a meanes of the Conversion of many; and alsoe that famous and worthy man Mr. John Robinson, whose afterwards was their Pastour for many yeers vntill the Lord tooke him away by Death; and alsoe Mr. Willam Brewster, a Reverend Man, afterwards was chosen an Elder of the Church, and lived with them vntill old age and Death.

Butt after these thinges they Could not longe Continew in any peaceable manor, but were hunted, Presented on every side, soe as their former Afflictions were but as Molehills to Mounrains in Comparifon to these which now came upon them; for some were taken and Claped vp in prisons, others had their houses besett and watched night and day, and hardly escaped their hands, and the most were faine to fly and leaue their houses and habitations, and the meanes of their livelihood; yett these and many other sharper thinges which afterward befell them were noe other then they looked for; therefore were the better prepared to beare them by the Assistance of God's Grace and Spirit; yett seeing themselves thus molested, and that there was noe hope of their continuance there, by a joynt Consent they Resolved to Goe into the low Countreyes; where they heard was Freedome of Religion for all men; as alsoe how fundry from London and other partes of the same that had bine exiled and persecuted for the same cause and were Gon thither and lived at Amsterdam and in other places of the land:

Soe after they had Continewed together about a yeer, and kept their meetings every Sabbath in one place or other, exercising the worship of God amongst themselves notwithstanding all the dilligence and malice of their adversaries, they seeing they

they could noe Longer Continew in that Condition, they Resolved to Gett over into Holland as they could, which was in the yeer 1607 and 1608 : of which more in that which followeth.

1608.

Of their Departure into Holland and their troubles therabout, with some of the many difficulties they found and mett withall.

C H A P T. II.

Being thus constrained to leave their native Country, their lands and liveings, and all their frinds and familiar acquaintance, it was much and thought marvellous by many : But to Goe into a Country they knew not, (but by hearfay) where they must learne a new language, and Gett their liveings they knew not how, it being a Deare place and subject to the of warr, it was by many thought an adventure almost Desperate, a Case Intollerable, and a misery worfe then Death, especially feing they were not acquainted with Trades nor Traffick, by which the Country doeth subsist, but had onely bin vsed to a plaine Country Life, and the inocent trade of Husbandry : But these things did not dismay them, (although they did sometims trouble them) for their desire were sett on the wayes of God and to enjoy his Ordinances, but they rested on his Providence and knew whom they had believed ; yett this was not all, for although they could not stay, yett were they not suffered to Goe, but the Ports and Havens were shutt against them ; soe as they were faine to seek secrett meanes of conveyance, and to see the Marriners and give extreordinary Rates for their Passages ; and yett were they often times betrayed many of them, and both they and their Goods intercepted and surprized, and thereby put to great trouble and charge, of which I will give an instance or two and omitt the rest :

There was a great Companie of them purposed to gett Passage att Boston in Lincolnsheire, and for that end had hired a Shipp wholly to themselves, and made agreement with the Master to be redy att a certaine Day, and take them and their Goods in at a convenient Place, where they accordingly would all attend in reddiness : soe after long waitinge and large expences, though hee kept not the Day with them yett hee came att length and tooke them in the Night, and when hee had them and their Goods aboard, hee betrayed them, having before hand comploted with the Serchers and other Officers soe to doe, whoe took them and putt them into open Boates, and there rifelled and ranfacked them, searching them to their Shirts for Mony, yea even the Weomen further than became modesty ; and carryed them backe into the Towne, and made them a spectacle and wonderment to the Multitude which came flocking on all fydes to behold them ; being thus by the Catchpoles Officers rifled, and
striped

striped of their Mony, bookes, and much other Goods, they were presented to the Majestrates, and Messengers sent to informe the Lords of the Counsell of them, and see they were committed to ward. Indeed the Majestrates used them curtuously, and shewed them what favour they could, but could not deliver them, vntill order came from the Counsell Table; but the issue was, that after a month Imprisonment the greatest parte were dismissed and sent to the Place from whence they came; but some of the principall were still kept in Prison and bound over to the Assises.

The next Spring after, there was another attempt made by some of these and others to gett over att another Place, and it soe fell out that they lited of a Dutchman att Hull, haueing a Shipp of his owne belonging to Zealand, they made agreement with him, and acquainted him with their Condition; hoping to find more faithfullnes in him than in the former of their owne Nation: Hee bad them not feare, for hee would doe welenough; he was by appointment to take them in between Grimby and Hull, where was a large Comon, a goodway distant from anye towne: Now against the prefixed time, the weomen and children with the goods were sent to the place in a small barque which they had hiered to that end, and the men were to meet them by land, but it soe fell out that they were there a day before the shipp came, and the sea being rough, and the weomen very sick, prevailed with the seamen to put into a Creek hard by where they lay on Ground att low water. The next morning the shipp came, but they were fast and could not stir vntill about noone: In the mean time the Shipp Master perseiving how the Water was, sent his boate to be getting the Men aboard whome he sawe walking about the shore; but after the first boate full was gott aboard, and shee was reddey to goe for more, the Master espyed a great Companie, both horse and foot, with bills and guns and other weapons, for the Country was raised to take them; the Dutchman seeing that, swore his Countreyes oath, (Sacrament) and having the wind faire, wayed his ancre, hoyfed sayles, and away; but the poor men which were gott on board were in great distresse for their wives and children, which they saw thus to be taken and were left destitute of their heales, and themselves alsoe not having a cloth to shift them with more than they had on their backs, and some scarce a peny about them, all they had being on board the Barke; it drew tears from their eyes, and any thinge they had they would have given to have bin on shore againe, but all in vaine. there was noe remedy they must thus sadly parte; and afterwards indured a fearfull storme att Sea, being fourteen dayes or more before they arived att their Port; in seaven wherof they neither saw Sun, Moon nor Stars; and were driven to the Coast of Norway, the Marriners themselves often desparing of life; and once, with shrikes and cryes, gave over all as if the Shipp had bine foundered in the Sea, they sinking without recovery; but when mans hope and healp wholly fayled the Lord's power and mercy appeered for their recovery, for the Shipp rose againe,

and gave the Marrinors corrage againe to manage her; and if modesty would suffer mee, I might declare with what fervent prayers they cryed vnto the Lord in this great distresse, especially some of them, even without any great distraction when the waters ran into their very ears and mouthes; and the Marrinors cryed out wee sinke, wee sink; they cryed, if not with miraculous, yett with a great hight of Divine faith, "Yett Lord thou canst save, yett Lord thou canst save;" with such other expressions as I will forbear; upon which the Shipp did not only recover, but shortly after the violence of the storme began to abate; and the Lord filled their afflicted Minds with such Comforts as every one can not vnderstand, and in the end brought them to their desired Haven, where the people came flocking, admiring their Deliverance; the storme having bin soe longe and fore, in which much hurt had bin don, as the Master's frinds had related vnto him in their Congratulations.

But to returne to the others where wee left; the rest of the men that were in the greatest danger made shift to escape away before the troope could surprize them, those onely staying that best might, to be assistant to the weomen; but pitifull it was to see the heavy case of these poor weomen in this distresse! What weeping and crying on every syde; some for their husbands that were carryed away in the ship, as it was before related; others not knowing what should become of them and their little ones; others, melted in teares, seeing their poor little ones hanging about them, crying for feare and with cold; being thus apprehended, they were hurried from one place to another, and from one Justice to another, vntill in the end they knew not what to do with them: for to imprison soe many weomen and innocent children, for noe other cause, many of them, but that they must goe with their husbands seemed to be vnreasonable, and all would cry out of them, and to send them home againe was as difficult, for they alledged (as the truth was) they had noe homes to go to, for they had sold or otherwise disposed of their houses and liveings; to be short, after they had bin thus tormoyled a good while, and conveyed from one Constable to another, they were glad to be rid of them in the end vpon any terms, for all were wearied and tired with them, tho in the mean time the poor soules indewred misery enough, and thus in the end necessitie forced a way for them.

But that I be not tedious in these things I will omit the rest, although I might relate many other notable passages and troubles which they indured, and vnderwent in these their wanderings and trauels both at Land and Sea: But I hast to other things, yett I may not omitt the fruite that came hereby; for by these soe publicke troubles in soe many eminent places, their Cause became famous, and occasioned many to look into the same; and their Godly Carryage and Christian Behavior was such as left a deep impression in the minds of many; and tho some few shrinke at those first Conflictes and sharp beginnings (as it was noe marvell) yett many more came on with fresh Currage, and greatly anymated others; and in the end, notwithstanding

all these stormes of opposition, they all gott over att length, some att one time and some att another, and mett together againe according to their Desires, with noe finale Rejoyccings.

C H A P T. III.

Of their settling in Holland, and their Manor of Liveing and Entertainment there.

Being now come into the Lowcountrie they saw many goodly and fortified cityes, strongly waled, and guarded with troopes of armed men : Alsoe, they heard a strange and vncouth language, and beheld the different manors and customes of the people, with their strange fassions and attires ; all soe farr differing from that of their plaine countrie villages wherein they were bred and borne and had soe long lived, as it seemed they were come into a new world : But those were not the thinges they much looked on or long took vp their thoughts, for they had other worke in hand, and another kind of warr to wage and maintaine. For, though they saw fair and beautifull cityes, flowing with abundance of all sorts of wealth and riches, yett it was not long before the grime and griseled fate of poverty coming on them like an armed man, with whom they must buckle and incounter, and from whom they could not fly ; but they were armed with faith and patience against him and all his encounters ; and though they were sometimes foyled, yett by God's assistance they prevailed and gott the victory. Now when Mr. Robinson, Mr. Brewster, and other principall members were come over, for they were of the last, and stayed to heale the weakest over before them, such thinges were thought on as were necessarie for their settling and best ordering of the Church affaires ; and when they had lived att Amsterdam about a yeer, Mr. Robinson, their Pastour, and some others of best deserning, seeing how Mr. John Smith and his Companie was already fallen into Contention with the Church that was there before them, and noe meanes they could vse would doe any good to cure the same ; and alsoe that the Flames of Contention were like to breake out in that antient Church it selfe, as afterwards lamentably came to passe ; which thinges they prudently foreseeing, thought itt was best to remove before they were any way engaged with the same, though they well knew it would bee much to the prejudice of their outward estate, both at present, and in likelihood in the future, as indeed it proved to bee : For these and some other reasons they removed to *Leyden*, a fayer and beautifull city, and of a sweet situation, but made more famous by the univercety wherwith it is adorned, in which of late had it been by soe many learned men ; but wanting that trafficke by sea which Amsterdam enjoyed, it was not so benefitall for their outward means of liveing and estates ; but being now heer pitched, they fell to such trades and imployments as they best could,

valluing

valuing peace and their spirituall Comfort above any other riches whatsoever ; and att length they came to raise a competent and comfortable Liveing ; and with hard and continuall labour, being thus settled after many Difficulties, they continued many yeers in a comfortable condition, injoying much sweet and delightfull society and spirituall Comfort together, in the wayes of God, vnder the able Minnistry and prudent Government of Mr. John Robinsón, and Mr. William Brewster, who was an Assistant vnto him in the place of an Elder, vnto which hee was now called and chosen by the Church, soe as they grew in knowledge and other gifts and graces of the spiritt of God, and lived together in peace, and love, and holiness ; and many came vnto them from divers partes of England, soe as they grew a great Congregation : And, if att any time any differences did arise, or offences broke out, as it cannot be but that sometimes there will, even amongst the best of men, they were ever soe mett with and nipt in the head betimes, or otherwise soe well composed, as still love, peace, and comunion was continewed, or else the Church purged of those that were incurable and incorrigible, when after much Patience vsed, no other meanes would serue, which feldome comes to passe : Yee, such was the mutuall love and reciprocall Respect, that this worthy man had to his Flocke, and his Flocke to him, that it might be said of them as it once was of that famous emperour Marcus Aurelius and the people of Rome, “ that it was hard to judge whether hee delighted more in haveing such a people, or they in haveing such a pastour.” His love was great towards them, and his care was alwaies bent for their best good, both for soul and body : For, besides his singular abillities in divine things, wherein hee excelled, hee was able alsoe to give direccion in civill affaires, and to foresee dangers and inconveniences, by which meanes hee was very healfull to their outward estates, and soe was every way as a comon father vnto them ; and none did more offend him than those that were close and cleaveing to themselves, and retired from the comon good ; as alsoe such as would be stiffe and ridged in matters of outward order, and invay against the euills of others, and yett be remisse in themselves, and not soe carefull to expresse a vertuous conversation. They in like manor had ever a reverent regard vnto him, and had him in precious estimation, as his worth and wisdom did deserve. And although they esteemed him highly while he lived and laboured amongst them, yett much more after his death, when they came to feel the want of his healep ; and saw, by woefull experience, what a Treasure they had lost, to the Greife of their harts and wounding of their soules : Yee, such a losse as they saw could not be repaired, for it was hard for them to find such another leader and feeder in all respects, as the Taborites to find another Ziska ; and although they did not call themselves orphans, as the other did after his death, yett they had cause as much to lament in another regard their present condition and after vsage. But to returne. I know not but it may be spoken to the honor of God, and without prejudice

dice to any, that such was the humble zeale and fervent love of this people (whiles they thus lived together) towards God and his wayes, and the single hartednes and tender affection one towards another, that they came as neare the primitive pattern of the first Churches as any other Church of these latter times have don, according to their rank and qualitie. But seeing it is not my purpose to treat of the severall passages that befell this people whiles they thus lived in the Low Countreyes, which might worthily require a large treatise of it selfe; but to manifest something of their beginning and after progresse in New England, which I principally scope and aime at; yett, because some of their adversaries did, vpon the rumours of their removeall, cast out slanders against them, as if that state had bine weary of them, and had rather driven them out, as the Heathen histories did saime of Moses and the Israellites when they went out of Egipt, then it was their owne free choice and motion, I will therefore mention a particular or two to shew the contrary, and the good acceptation they had in the place: And first, although itt was low with many of them, yett their word would be taken amongst the Dutch when they wanted mony, because they had found by experience how carefull they were to keep their word; and saw them for painefull and dilligent in their Callings, that they strove to gett their customes, and to imploy them above others in their work for their honesty and dilligence.

Again, the Magistrats of the Citty, about the time of their coming away, or a little before, in the public place of Justice, gave this comendable testimony of them in reprocche of the Walloones, who were of the French Church in the Cyttey; these English, (said they) have lived amongst vs now this twelve years, and yett wee never had any suite or accusation came against them; but your strifes and quarrells are continuall, &c.

C H A P T. IV.

Shewing the Reasons and Causes of their Removall.

After they had liued in this Citty about eleeven or twelve yeers, which is the more observable, being the whole time of that famous truce between that State and the Spaniards; and fundry of them were taken away by death, and many others began to bee well stricken in yeers, the grave mistris, experience, having taught them many things; these prudent Governors, with fundry of the sagest Members began both deeply to apprehend their present danger, and willy to fore see the future, and think of timly remedy; in the agitation of their thoughts, and much discourse of particulars heerabout, they began to encline to this conclusion of removall to some other place, not out of any new fangledness, or other such like giddy humer, by which

men are many times transported to their great hurt and danger, but for sundry waighy and follid reasons, the chiefe of which I will heer resight and briefly touch; and first, they found and saw by experience, the hardnes of the place and country to be such that few in comparison would come to them, and fewer that would bide it out and continue with them; for many that came to them, and many more that desired to be with them, could not indure the great labour and hard fare with other inconveniencies which they underwent and were contented with; but though they loved their persons and approved their cause, and honored their sufferings, yett they left them as it were weeping, as Orpha did her Mother in Law Naomy; or as those Romans did Catoe in Utica, whoe desired to be excused and borne with, though they could not all be Catoes. For many, though they desired to enjoy the ordinances of God in their purity, and the libertie of the Gospell with them, yett alas, they admitted of Bondage, with danger of conscience, rather then to endure these hardships, yee some preferred and chose Prisons in England, rather then this libertie in Holland, with these afflictions; but it was thought, that if a better and easier place of living could be had, it would draw many and take away these discouragements; yee their Pastour would often say, that many of those that both write and preached now against them, if they were in a place where they might have libertie and live comfortably, they would then practise as they did.

2. They saw that although the People generally bare all their difficulties very chearfully, and with a resolute currence, being in the best of their strength, yett old age began to come on some of them; and their great and continewall labour, with other crosses and sorrowes, hastened it before the time; soe as it was not onely probably thought, but apparently seen, that within a few yeers more they were in danger to scatter by necessities pressing them, or sink vnder their burdens, or both; and therefore, according to the Divine Proverb, That a wise man seeth the Plague when it cometh and hideth himself, Proverbs 22. 3. Soe they like skilfull and beaten Souldiers, were fearfull either to be intrapped or surrounded by their enemies, soe as they should neither be able to fight nor fly; and therefore thought it better to dislodge betimes to some place of better advantage and lesse danger, if any could be found.

3. The necessities was a Task Master over them, soe they were forced to be such, not onely to their Servants, but in a sort to their dearest Children; the which as it did a little wound the tender hearts of many a loving Father and Mother, soe it produced alsoe many sad and sorrowfull effects; for many of their Children, that were of best dispositions and gracious inclinations, having learned to beare the yoke in their youth, and willing to beare part of their parents burthen, were oftentimes soe oppressed with their heavy labours, that although their minds were free and willing, yett their bodies bowed vnder the waight of the same, and became decrepid in

theire early youth, the vigour of nature being consumed in the very bud as it were ; but that which was more lamentable, and of all sorrows most heavy to be borne, was that many of theire Children by these occasions and the great lyfencioufness of youth in the Country, and the manyfold temptations of the place, were drawne away by euill examples, vnto extravagant and dangerouse courses, getting the raines on theire neckes, and departing from theire Parents ; some became Souldiers, others tooke vpon them farr voyages by Sea, and other some worse courses tending to defoluteness, and the danger of theire Soules, to the great greife of theire Parents, and dishonor of God, soe that they saw theire posteritie would be in danger to degenerate and be corrupted.

Lastly, and which was not the least, a great hope and inward zeale they had of laying some good foundation, or att least to make some way theiunto, for the propagating and advancing the Gospell of the Kingdom of Christ in those remote partes of the world, yee though they should be but as stepping stones vnto others, for performing of soe great a work.

These and some other like reasons moved them to undertake this resolution of theire removall, the which they afterwards procecut with soe great difficulties as by the sequell will appeer.

The place they had thoughts on, were some of those vnpeopled Countreys of America, which are fruitfull and fitt for habitation, being devoid of all civill inhabitants, where ther are onely salvage and brutish people, which range vp and downe little otherwise than the wild beafts ; this proposition being made publick, and coming to the scanning of all, it raised many variable opinions amongst men, and caused many feares and doubts amongst themselves ; some from theire reasons and hopes conceived, laboured to stir vp and incurrage the rest to vndertake and prosecute the same ; others againe out of theire feares objected against it, and sought to divert from it, alledging many thinges, and those neither vnreasonable nor vnprobable ; as that it was a great designe and subiect to many inconceivable perells and dangers, as besides the casualties of the Seas, (which none can be freed from) the length of the voyage was such as the weake bodies of men and woemen, and such other persons worne out with age and traivill (as many of them were) could never be able to endure ; and yett if they should, the miseryes of the land which they should be exposed vnto, would be too hard to be borne, and likely some or all of them to consume and vtterly to ruinate them ; for theire they should be lyable to famine and nakedness, and the want in a manner of all thinges ; the changing of the aire, diett, and drinking of water would infect theire bodies with sore sicknesses, and all those which should escape or overcome these difficulties, should yett be in continuall danger of the Salvage People, who are cruell, barbarous and treacherous, being most furious in theire rage and mercyles wher they overcome,

not being content onely to kill and take away life, but delight to torment men in most bloody manor that may be; slaying men alive with the shells of Fishes, cutting of the joynts and members of others by peece meales, and broyling them on the Coles; and caulng men to the Collopps of their flesh in their sight whiles they live; with other crewelties horrible to be related; and surely it could not be thought but the hearing of these things, could not but move the bowells of men to grate within them, and make the weake to quake and tremble. It was further objected, that it would require greater fumes of mony to furnish such a voiage, and to fitt them with nessesaries then their estates would amount to; and yett they must all as well look to be seconded with supplyes as presently to be transported; alsoe the like presedents of ill succeffe, and lamentable miseries befallen others in the like designs were easy to be found and not forgotten to be alledged, besides their owne experience in their former troubles and hardships, in their removall into Holland, and how hard a thinge it was for them to live in that strange place, although it was a Neighbour Country, and a civill and rich Comonwealth.

It was answered that all great and honorable actions were accompanied with great difficulties, and must be both enterprised and overcome with answerable Corragges: It was granted the dangers were great, but not desparate, and the difficulties were many, but not invincible, for although there were many of them likely, yett they were not certaine; it might be that some of the things feared might never befall them; others by Providence, care, and the use of good meanes, might in a great measure be prevented, and all of them, through the help of God, by fortitude and patience might either be borne or overcome; true it was, that such attempts were not to be made and vndertaken but vpon good ground and reason, not rashly or lightly as many have don for curiosfety or hope of gain, &c. But their condition was not ordinary; their ends were good and honorable, their calling lawfull and vrgent; and therefore they might expect a blessing of God in their proceeding, yee although they should loose their lives in this action, yett they might have comfort in the fame; and their endeavours would be honorable: They lived here but as men in exile and in a poor condition; and as great miseries might possibly befall them in this place, for the twelve yeers of truce were now out, and there was nothing but beating of drumms, and preparing for war, the euent wherof are alwaies vncertaine; the Spainiard might prove as Crewell as the Saluages of America, and the famine and pestilence as sore heer as theirs, and libertie lesse to looke out for remedy after; many other particular things answered and alledged on both sydes, it was fully concluded by the major part, to put this designe in execution, and prosecute it by the best meanes they could.

C H A P T. V.

Shewing what meanes they used for preparation to this waighty Voyage.

And first, after their humble Prayers vnto God for his direction and assistance, and a generall conference held thereabouts, they consulted what particular place to pitch vpon, and prepare for; some, and none of the meanest, had thoughts, and were earnest for Goyanna or some of those fertile places in those hott Clymetts, others were for some yles of Virginnia, where the English had already made enterance and beginning; those for Goyanna alledged, that the Country was rich, fruitfull, and blessed with perpetuall Springe, a flourishing Greenes; wher vigorous nature brought forth all things in abundance and plenty, without any great labour or aſte of Man, ſoe as it muſt needs make the Inhabitants rich, ſeeing leſſe prouiſion of Clothing and other things would ſerue them, then in more colder and leſſe fruitfull Countreyes muſt be had, as alſoe that the Spainyards having much more then they could poſſeſſe, had not yett planted there, nor any where very neare the ſame.

But to this it was anſwared, that out of queſtion, the Country was both fruitfull and pleaſant, and might yeild riches and maintenance to the poſſeſſors more ezeley then to others, yett other things conſidered, it would not be ſoe fitt; and firſt that ſuch hott Countreyes are ſubject to creecious diſeaſes and many noyſom impediments which other more temperate places are free from, and would not ſoe well agree with our Engliſh bodyes; againe if they ſhould there live and doe well, the jealous Spaniard would neauer ſuffer them longe, but would diſplant and overthrow them, as hee did the French in Florida, whoe were ſettled further from his richeſt Countreyes, and the ſooner becauſe they ſhould have none to proteſt them, and their own ſtrength would be too ſmale to reſiſt ſoe potent an enimie, and ſoe neare a neighbour.

On the other hand, for Virginnia it was objected, that if they liued amongſt the Engliſh there planted, or ſoe neare them as to be vnder their Gouverment, they ſhould be in as great danger to be troubled and perſecuted for their cauſe of religion as if they lived in England, and it might be worſe, and if they lived to farr of, they ſhould neither have ſuccor or defence from them.

And att length the conſclusion was to live in a diſtinct body by themſelves under the generall Government of Virginnia; and by their Friends to ſue to his Maieſtie, that he would be pleaſed to grant them free liberty, and freedom of religion; and that
this

this may be obtained, they were in good hope, by some great persons of good ranke and quality that were made their Frindes.

Whervpon two were chosen and sent into England att the charge of the rest to sollicit this matter, whoe found the Verginnia Companie very desirous to have them goe thither, and willing to graunt them a Pattennt with as ample priviledges as they had or could grant to any, and to give them the best furtherance they could; and some of the cheiffe of the Company doubted not to obtaine their suite of the Kinge for libertie in Religion, and to have it confirmed vnder the Kinges Broad Seale, according to their desires: But it proved a harder peece of worke then they tooke it for; for although many meanes was vsed to bring it about, yett it could not be effected, for there were divers of good worth laboured with the Kinge to obtaine it, amongst whome was one of his chiefe Secretaries, and some other wrought with the Archbishop to give way therunto, but it proved all in vaine; yett thus farr they prevailed in sounding his Majesties mind, that hee would conive att them, and not molest them, provided they carryed themselves peacably; but to allow or tollerate them by his publicke authoritie vnder his Seale, they found it would not bee; and this was all that the Cheefe of the Verginnia Company, or any other of their best Friends could do in the case, yett they perswaded them to goe on, for they presumed they would not bee troubled; and with that answere the Messengers returned and signified what dilligence had bin vsed, and to what issue things were come.

But this made a damp in the busines, and caused som distraction, for many were affraid that if they should unsettle themselves, put off their estates, and goe vpon those hopes, it might prove dangerous, and but a sandy foundation: Yee, it was thought they might better have presumed heervpon without making any suite att all then having made it to be thus rejected; but some of the cheifest thought otherwise, and that they might well proceed heervpon, and that the Kinges Majestie was willing enough to suffer them without any molestation, though for other reasons hee would not conferme it by any publicke acte: And furthermore, if there was noe securitie in this promise intimated, there would be noe great certainty in a further consermation of the same; for if afterward there should be a purpose or desire to wronge them, though they had a seale as broad as the house flore it would not serve the turne, for there would be means enough found to recall or reverse; and seeing therefore the course is probable, they must rest heerin, on God's providence, as they had don in other things.

Vpon this resolution other Messengers were dispatched to end with the Virginia Companie, as well as they could, and to procure a Patent with as good and ample conditions as they might by any good meanes attaine; as alsoe to treat and conclude with such Marchants and other Frinds as had manifested their forwardnes to proovok to and adventure in this voyage, for which end they had instructions given

them vpon what conditions they should proceed with them, or else to conclude nothing without furdre advice; and heer it will be requisite to insert a letter or two that may give light to these proceedings.

*A Coppy of a Letter from Sir Edwin Sands, directed to Mr. John Robinson and
Mr. Willam Brewster.*

After my hartly fallutations, the Agents of your Congregation, Robert Cushman and John Carver, have bin in communication with divers celest Gentlemen of his Majesties Councell for Verginnia, and by the writing of seaven articles with your names, have given them that good degree of satisfaction which hath carryed them on with a resolution to sett forward your desire in the best fort, that may be for your owne and the publicke good, divers particulars wherof, wee leave to their faithfull report; having carryed themselves heer with that good deferetion as is both to their owne and their credit from whence they came; and wheras being to treat for a multitude of People, they have requested further time to confer with them, that are to be interestted in this action about the severall particulars, which in the prosecution therof, will fall out considerable: It hath bine very willingly assented vnto, and soe they doe now returne vnto you; if therefore it may please God, soe to direct your desires, as that on your parts there fall out noe just impediments, I trust by the same direction, it shall likewise appeer that on our parts all forwardnes to sett you forwards shall be found in the best fort, which with reason may be expected, and soe I betake you with this designe, which I hope verily is the worke of God, to the gracious Protection and blessing of the Highest.

Your very loveing Friend

London, November 12, 1617.

EDWIN SANDS.

Theire Answare was as Followeth.

Right Worshipfull,

Our humble Duties remembered in our owne, our Messengers, and our Churches name, with all thankfull acknowledgement of your singuler love expressing itselfe, as otherwise, soe more especially in your great care and earnest indeauor of our good in this waighty busines of Verginnia; which the lesse able wee are to requite, wee shall thinke ourselves the more bound to comend in our prayers vnto God for recompence; whom as for the present, you rightly behould in our indeavours, soe shall wee not bee wanting on our parts (the same God assisting vs) to returne
all

all answerable fruit, and respect vnto the labour of your love bestowed vpon vs ; wee have with the best speed and consideration withall that wee could, sett downe our requests in writing subscribed, as you willed, with the greatest parte of our Congregation, and have sent the same vnto the Counsell by our Agent, a Deacon of our Church, John Carver, vnto whom wee have alsoe requested a Gentleman of our Companie to adjoyne himself to the care and descretion of which two wee doe refer the prosecuting of the busines : Now wee perswade ourselves Right Worshippfull, that wee need not to provoke your Godly and loveing mind to any further or more tender care of vs, since you have pleased soe farr to interest vs in your selfe, that vnder God, above all persons and thinges in the world, wee relye vpon you, expecting the care of your love, counsell of your wisdom, and the heale and countenance of your authoritie, notwithstanding for your incurragement in the worke soe farr as probabilities may lead, wee will not forbear to mention these instances of inducement.

1. Wee verily believe and trust the Lord is with vs, vnto whom and whose service wee have given ourselves in many tryalls ; and that he will graciously prosper our indeavours according to the simplissey of our harts therin.

2. Wee are well weaned from the dillicate milk of our Mother Country, and inured to the difficulties of a strange and hard land, which yett in great part wee have by patience overcome.

3. The People are for the body of them industriuous and frugall, wee think wee may safely say, as any Companie of People in the world.

4. Wee are knitt together as a body, in a more strict and sacred bond, and covenant of the Lord, of the violation wherof we make conscience ; and by virtue wherof wee doe hold ourselves straitly tyed to all care of each others good and of the whole by every and soe mutuall.

5. And lastly, it is not with vs as with other men, whom smale thinges can discourage, or smale discontentments cause to with themselves at home againe ; wee know our entertainment in England and Holland ; wee shall much prejudice both our artes and meanes by remouall, whoe if wee should be driven to returne, wee should not hope to recover our present heales and comforts, neither in deed looke ever to attaine the like in any other place during our lives, which are now drawing towards theire periods.

These motives wee have ben bould to tender vnto you, which you in your wisdom may alsoe impart to any other our worshipfull Frinds of the counsell with you, of all whose Godly dispositions and loveing towards our despised persons, wee are most glad, and shall not faile by all good meanes to continue and increase the same : Wee shall not be further troublefome, but doe with renewed remembrance of our humble duties to your worshipping, and soe farr as in modesty wee may be bold, to

any other of our wellwillers of the Councell with you: Wee take our leaves, comitting your persons and Councells to the guidance and protection of the Almighty.

Your much bounden in all Duty,

JOHN ROBINSON.

WILLIAM BREWSTER.

Leyden the 15 of December, 1617.

For further Light in these Proceedings fornamed, see some other Letters and Notes as followeth.

The Coppy of a Letter sent to Sir John Worthingham.

Right Worshippfull,

WITH due acknowledgment of thankfulness for your singular care and paines in the busines of Verginnia, for our and (wee hope) the comon good, wee doe remember our humble duties vnto you, and have sent, as is desired, a further explanation of our judgments in the three points specified by some of his Majesties honorable Privy Councell; and although it be greivous vnto vs, that such vnjust insinuations are made against vs, yett wee are most glad of the occasion of making our just purgation vnto the honorable Personages; the declarations wee have sent inclosed, the one more brieffe and generall, which wee think the fitter to be presented, the other something more large, and in which wee expresse some smale accedentall differences, which if it seeme good vnto you, and other of your Worshipp's Frinds, you may send in steed of the former; our prayers vnto God is that your Worshipp may see the fruite of your worthy indeauors, which on our parte wee shall not faile to further by all good meanes, and soe praying that you would, with all conveniency that may bee, give vs knowldge of the successe of the busines with his Majesties Privy Councell, and accordingly what your further pleasure is, either for our direction or furtherance in the same, soe wee rest,

Your Worshipp's in all Dutye,

Leyden, January 27, 1617 old Stile.

JOHN ROBINSON,

WILLIAM BREWSTER.

The first Breiffe Note was this,

Touching the Ecclesiasticall minnistry, namely of Pastours for teaching, Elders for ruling, and Deacons for distributing the Churches contribution; as alsoe for the

two Sacraments, Baptisme, and the Lord's Supper, wee doe wholly, and in all points agree with the French Reformed Churches, according to their publick confession of Faith, though some smale differences.

The oath of Supremacy wee shall willingly take, if it be required of vs, if that convenient satisfaction be not given by our takinge the oath of allegiance.

JOHN ROBINSON,
WILLAM BREWSTER.

The second was,

This touching the Ecclesiastical Minnistry, as in the former; and wee agree in all things with the French Reformed Churches, according to their publick Confession of Faith; though some smale differences to be found in our practice, not att all in the substance of the things, but onely in some accidentall cercomstances.

As first, their Minnisters doe pray with their heads covered, wee uncovered.

2. Wee chose none for Gouverning Elders but such as are able to teach, which abillitie they doe not require.

3. Their Elders and Deacons are annuall, or, at the most, for two or three yeers; ours, perpetuall.

4. Our Elders do adminnester their office in admonitions and excommunication for publicke scandalls, publickely, and before the Congregation; theirs, more privately, and in their Consistories.

5. Wee doe adminnester Baptisme onley to such Infants as wherof the one parent (att the least) is of some Church, which some of their Churches doe not observe, although in it our practice accords with their publick Confession, and the Judgement of the most learned amongst them. Other differences, worthy mentioning, wee know none.

Subscribed,

JOHN ROBINSON,
WILLAM BREWSTER.

Parte of another Letter from him that delivered these.

London, February 14. 1617.

YOUR letter to Sir John Worthingham I delivered almost as soone as I had it, to his owne hands, and stayed with him the opening and reading thereof; there
were

were 2 papers enclosed ; he read them to himself, as alsoe the letter ; and in the reading, he spake to me, and said, Who shall make them, viz. the Minnesters ? I answered his worshipp, that the power of making was in the Church : To be ordained by the Imposition of hands by the fittest Instruments they have : It must either be in the Church, or from the Pope, and the Pope is Antichrist. No, said Sir John, what the Pope holds good (as in the Treinity) that wee doe well to assent to ; but, said he, wee will not enter into dispute now ; and as for your letters, he would not shew them att any hand, lest hee should spoyle all. He expected you should have bin of the Archbishop's mind for the calling of Minnesters, but it seemes you differed. I could have wished to have known the contents of your two enclosed, att which hee stucke soe much, especially the larger. I asked his Worshipp, what good newes hee had for me to write tomorrow ; he told me, good newes, for both the King's Majestie and the Bishoppes have consented. Hee said hee would goe to Mr. Chancellor Sir , as this day, and next weeke I should know more. I mett with Sir Edwin Sands on Weddensday night ; hee wished mee to be att the Verginnia court the next Weddensday, where I purpose to be ; thus loath to be troublesome att present, I hope to have somthing next weeke of certainty conferring you. I comit you to the Lord.

Yours,

S. B.

These things being longe in agitation, and Messengers passinge to and againe about them, after all their hopes, they were longe delayed by many obstacles that fell in the way ; for att the retorne of these messengers into England, they found things farr otherwise then they expected ; for the Verginia Councell was now soe disturbed with factions and quarrells amongst themselves, as noe busines could well goe forward ; the which may the better appeer in one of the messengers letters, as followeth :

To his Loveing Frinds.

I HAD thought long since to have writt vnto you, but could not effect that which I aimed att, neither can yett sett things as I wished, yett notwithstanding I doubt not but Mr. Brewster hath written to Mr. Robinson ; but I think myself bound alsoe to doe somthinge least I be thought to neglect you. The maine hinderance of our proceedings in the Verginia busines, is the descensions and factions, as they tearme it amongst the Councell and Companie of Verginia, which are such as that ever since wee came vp noe busines could by them be despatched : The occasion of this trouble amongst them is, That a while since, Sir Thomas Smith re-
pining

pining att his many offices and troubles, wished the Companie of Verginia to ease him of his office in being Treasurer and Governour of the Virginia Companie; whervpon the Companie took occasion to dismise him, and chose Sir Edwin Sands Treasurer and Governour of the Companie, he having 60 voyces, Sir John Worlingham 16 voyces, and Alderman Johnson 24. But Sir Thomas Smith, when hee saw some parte of his honor lost, was very angry, and raised a Faction to cauill and contend about the election, and fought to tax Sir Edwin with many things that might both disgrace him, and alsoe put him by his office of Governour; in which contentions they yett sticke, and are not fitt nor reddey to entermiddle in any busines, and what issue things will come to I know not, nor are wee yett certaine: It is most like Sir Edwin will carry it away, and if hee doe, things will goe well in Verginia, if otherwise, they will goe ill enough alwaies; wee hope in 2 or 3 court dayes things will settle; meane space I think to goe downe into Kent, and come vp againe about 14 dayes or three weekes hence, except either by these aforesaid contentions, or by the ill tidings from Verginia, wee be wholly discouraged, of which tidings as followeth. Captain Argoll is come home this weeke; hee, vpon notice of the intent of the Councell, came away before Sir Gorge Yeardly came there, and soe there is noe finale defention; but his tidings is ill, altho his person be welcome. He saith Mr. Blackwell's shipp came not ther vntill March, but going towards winter they had still northwezt winds, which carried them to the fourth worth beyonde their course; and the Master of the shipp, and some six of the Mariners dying, it seemed they could not find the Bay, till after long seeking and beating about. Mr. Blackwell is dead, and Mr. Maynyer, the Captain: Yee, their are dead, he saith, 130 persons, one and other in the shipp; it is said, there was in all 180 persons in the shipp, soe that they were packed together like herrings: They had amongst them a flux, and alsoe want of fresh water, soe as it is heer rather wondered that soe many are alive, then that soe many are dead. The merchants heer say it was Mr. Blackwell's fault to packe soe many in the shipp: Yee, and there was great murmuring and repining among them, and obraiding of Mr. Blackwell for his dealing and disposing of them, when they saw how hee had disposed of them, and how hee insulted over them: Yee, the streets at Gravesend rang of their extream quarrelling, crying out one of another, thou hast brought mee to this, I may thank thee for this. Heavy newes it is, and I would be glad to heare how farr it will discourage. I see none heer discouraged much, but rather desire to learne to beware by other men's harmes, and to amend that wherein they have sayled, as wee desire to serve one another in love, so take heed of being intrahled by other imperious persons, especially if they be discerned to have an eye to themselves: It doth often trouble mee to thinke, that in this busines we are to learne, and none to teach; but better soe then to depend vpon such teachers as Mr. Blackwell was; such a stratagem

hee made for Mr. Johnson and his people att Embden ; much was their subversion ; but though he then clenley, yett unhoneſtly, plucked his necke out of the Coller, yett att laſt his foot is caught. Heer are noe letters come. The ſhipp Captaine Argoll came in is yett in the weſt partes ; all that wee heare is but his report. It ſeemeth hee came away ſecretly. The ſhip that Mr. Blackwell went in will be heer ſhortly. It is as Mr. Robinſon

hee thought we ſhould heare noe good of them. Mr. Brewſter is not well at this time ; whether hee will goe back to you, or goe into the North, I yett know not : For myſelf, I hope to ſee an end of this buſines ere I come, tho I am ſorry to be thus from you ; if things had gon roundly forward, I ſhould have been with you within this fourteen dayes. I pray God direct vs, and give vs that Speritt which is fitting for ſuch a buſines : Thus having ſumarily pointed att thinges, which Mr. Brewſter, I think, hath more largely write of to Mr. Robinſon, I leave you to the Lord's protection.

Your in all Reddyneſs, &c.

ROBERT CUSHMAN.

London, May the 8th, 1619.

But, att laſt, after all theſe thinges, and their longe attendance, they had a Patent graunted them and conſeirmed vnder the Companies ſeale ; but theſe diuiſions and diſtractions had ſhaken many of their pretended frinds, and diſappointed them of many of their hoped for and proffered meanes. By the adviſe of ſome frinds this Pattent was not taken in the name of any of their owne, but in the name of Mr. John Wincoll, a religious gentleman, then belonging to the countye of Lincolne, whoe intended to goe with them ; but God ſoe diſpoſed as he never went, nor they never made uſe of this Pattent, which had coſt them ſoe much labour and charge ; as by the ſequell will appear. This Patent being ſent over for them to view and conſider, as alſoe the paſſages about the propoſitions between them, and ſuch marchants and frinds as ſhould either goe or adventure with them ; and eſpecially with them on whom they did cheifly depend for ſhiping and meanes, whoſe proſſers had bin large, they were requeſted to fit and prepare themſelves with all ſpeed.

After ſuch trouble and tormeiles and debates which they went thorow, thinges were gotten reddey for their departure from *Leyden* ; a ſmale ſhipp was provided in Holland, of about ſixty tun, which was intended as to ſerve to tranſport ſome of them over the ſeas, ſoe to ſtay in the country and to tend vpon fiſhing, and ſutch other affaires as might be for the good and benefitt of the whole when they ſhould come to the place intended. Another was hired att London, of burden about nine ſcore,

score, and all other thinges got into a reddines; foe being reddey to depart, they had a day of follemne humiliation, theire Pastour takinge his text from Ezra, the viiith, 21.

The time being come that they must depart, they were accompanied with the most of theire brethren out of the citie vnto a towne fundry miles off, called Dealfes Hauen, where the shipp lay reddey to receive them: Soe they left that goodly and pleafant citty which had bin theire resting place near 12 years when they came to the place, they found the shipp and all thinges reddey; and such of theire frinds as could not come with them followed after them, and fundry alsoe came from Amsterdam to see them shipped and take theire leave of them; that night was spent with little sleep by the most, but with frindly entertainment and christian discourse, and other reall expressions of true christian love. The next day the wind being faire, they went on board and frinds with them; when truely dolfull was the sight of that sad and mournfull parteing; to see what sythes and sobbs, and prayers did found amongst them; what tears did gush from every eye; and pithey speeches peirfed each others harte, that fundry of the Dutch strangers that stood on the Key as Spectators could not refraine from teares; yett comfortable and sweet it was to see such lively and true expressions of deare and vnfeigned love, but the tide which stays for noe man calling them away that were thus loth to depart, theire Reverend Pastour falling downe on his knees, and they all with him, with watery cheekes comended them with most fervent prayers to the Lord and his blessing, and then with mutuall embraces and many teares they took theire leaves of one another, which proved to be theire last leave to many of them. Thus hoyfing sayle with a prosperous wind, they came in short time to Southampton, where they found the bigger shipp come from London, lying reddey with all the rest of theire Companie; after a joyfull welcome and mutuall congratulation, with other frindly entertainments, they fell to parley about theire future proceedings.

A Breife Letter written by Mr. John Robinson, to Mr. John Carver att theire parting abovesaid.

My Dear Brother,

I received enclosed youer last letter and note of information, which I shall carfully keep and make vse of as theire shal be occasion. I have a true feeling of youer perplexety of mind and toyle of body; but I hope that you, haveing alwayes bin able foe pleniffully to adminnester comfort vnto others in theire tryalls, are foe well furnished for your self, as that farr greater difficulties then you have yett vndergon, though I conceive them to be great enough, cannot oppresse you, though they presse you, as the Apostle

speaketh ; the sperit of a man (sustained by the sperit of God) will sustaine his infirmities ; I doubt not soe will youers ; and the better much when you shall enjoy the presence and help of soe many Godly and wise Brethren, for the bearing of parte of your burden ; whoe alsoe will not admitt into their harts, the least thought of suspition of any the least negligence, at least presumption, to have bin in you, whatsoever they thinke in others. Now what shall I say or writt vnto you, and your good wife, my loveing sister—even onely this, I desire and alwaies shall, mercy and blessing vnto you from the Lord, as vnto my owne soule ; and assure your selfe, that my hart is with you, and that I will not my bodily coming at the first opportunity ; I have written a large letter to the whole, and am sorry I shall not rather speake then write to them, and the more considering the want of a Preacher, which I shall alsoe make some spurr to my hastening towards you ; I doe ever comend my best affection vnto you, which if I thought you made any doubt of, I would expresse in more, and the same more ample and full words : And the Lord in whom you trust, and whom you serve, ever in this busines and journey, guide you with his hand, protect you with his winge, and shew you and vs his Salvation in the end, and bringe vs in the meane while together in the place desired (if such be his good will) for his Christ his sake.

Amen, your's,

July 27th 1620.

JOHN ROBINSON.

This was the last letter that Mr. Carver lived to see from him.

Att their parting, Mr. Robinson writt a letter to the whole Companie, which although it hath alreddy bin printed, yett I thought good heer likewise to insert it.

✠ [See the Letter in Page 96.]

All things being gott reddey, and every busines dispatched, the Company was called together, and this letter read amongst them ; which had good acceptation with all, and after fruite with many ; then they ordered and distributed their companie for either shipp, as they conceived for the best ; and chose a Gouvernor and two or three assistants for each shipp, to order the people by the way, and to see to the disposing of their provisions, and such like affaires, all which was not onely with the liking of the masters of the shippes, but according to their desires, which being done, they sett sayle from thence about the fifth of August ; but what befell them further vpon the Coast of England will appeer in the book intituled New-Englands Memoriall page 10 ;

And likewise of the voyage, and how they passed the sea, and of their safe arrivall at Cape Codd. [See *New-England's Memoriall*, Page 12.]

Being now passed the vast Ocean and a sea of troubles, before their preparation vnto further proceedings, as to seek out a place for habitation, &c. they fell down vpon

upon their knees, and blessed the God of Heaven, whoe had brought them over the vast and furious Ocean, and delivered them from all perills and miseries thereof againe to set their feet upon the firme and stable earth, their proper Element.

But heer I cannot but stay and make a pause, and stand halfe amazed at these poor peoples condition, and soe I think will the reader too, when hee well considers the same, for havinge passed through many troubles, both before and vpon the voyage as aforesaid, they had no friends to welcome them, nor Inns to entertaine or refresh them, noe houses much lesse townes, to repaire vnto to seek for succor. It is recorded in Scripture as a mercye to the Apostle and his shipwracked Companie, that the Barbarians shewed them noe finale kindnes in refreshing them; but these Saluage Barbarians when they mett with them, as after will appeere, were reddier to fill their sydes full of arrows then otherwise; and for the season it was winter, and they that know the winters of that Countrey, know them to be sharp and violent, and subject to violent storms, dangerouse to trauell to knowne places, much more to search out vnknowne coasts; besides what could they see, but a hedious and desolate wildernes full of wild beastes and wild men, and what multitudes there might be of them they knew not, neither could they, as it were, goe vp to the top of Pisgae to view from this wildernes a more goodly Countire to feed their hopes, for which way soever they turned their eyes (save vpwards to the Heavens) they could have little solace or content in respect of any outward objects, for somer being done, all things stand for them to look vpon with a weather beaten face, and the whole Country being full of woods and thickers, represented a wild and saluage hiew; if they looked behind them, there was the mighty ocean which they had passed, and was now as a maine barr and gulf to separate them from all the ciuill parts of the world; if it be said they had a shipp to succor them; it is true but what heard they dayly from the Master and Companie, but that with speed they should look out a place with their shallopp, where they would be at some neare distance, for the season was such as he would not stirr from thence vntill a safe harbour was discovered by them where they would bee, and he might go without danger; and that victuals consumed apace, but hee must and would keep sufficient for himself and companie for their returne; yee it was muttered by some, that if they gott not a place in time, they would turne them and their goods on shore, and leave them; lett it be alsoe considered what weak hopes of supply and succor they left behind them, that might beare vp their minds in this sad condition and tryalls they were vnder, and they could not but be very smale: It is true indeed the affections and love of their bretheren at Leyden was cordiall and intire, but they had little power to help them or themselves; and how the case stood between them and the Merchants at their coming away hath already bin declared:—What could now sustain them but the speritt of God and his grace; may not, and ought not the children of those fathers rightly say, our

fathers were Englishmen which came over this great Ocean, and were redly to perish in this wilderness, but they cryed vnto the Lord, and hee heard their voyce, and looked on their aduersitie; and let them therefore praise the Lord because hee is good and his mercyes endure for ever: Yee let them which have been the redeemed of the Lord, shew how hee hath delivered them from the hand of the oppressor, when they wandered in the desert wilderness out of the way, and found noe city to dwell in, both hungry and thirsty, their soule was ouerwhelmed within them; lett them confesse before the Lord his lovinge kindnes, and his wonderfull workes before the children of men.

Heer followeth a Letter from Mr. Robinson to Mr. Brewster our Elder.

Loveing and deare Friend and Brother,

THAT which I most desired of God, in regard of you, namely the continuance of your life and health, and the safe coming of these sent vnto you, that I most gladly hear of, and praise God for the same; I hope Misteris Brewsters weake and decayed state of body, will have some repaireing by the coming of her Daughters, and the provisions in this and other shippes sent, which I heare is made for you; which makes vs with the more patience beare our languishing state, and the deferring of the desireing of our desired transportation, (which I call desired rather than hoped for) whatsoever you are bourn in hand with by others; for first there is no hope at all that I know or can conceive off, of any new stocke to be raised for that end, soe that all must depend upon returns from you, in which are soe many uncertainties, as that nothing with any certainty can thence be concluded; besides howsoever for the present the adventurers alledge nothing but the want of money, which is an invincible difficulty, yett if that be taken away by you, others without doubt will be found; for the better clearing of this, wee must dispose the adventurers into three parts, and of them some five or six (as I conceive) are absolutely bent for vs above others; other five or six are our bitter professed adversaries; the rest being the body, I conceive to be honestly minded, and loveingly alsoe towards vs; yett such as have others, namely the forward Preachers, nearer vnto them then vs, and whose course, soe farr as there is any difference, they would rather advance than ours. Now what a hank these men have over the Professors you know, and I perswade myself, that for mee they of all others are unwilling I should be transported, especially such as have an eye that way themselves; as thinking if I come there their markett will be mared in many regards; and for those adversaries, if they have but half their will to their mallice, they will stopp my course, when they see it intended; for which this delaying serveth them very opportunely; and as one rusty Jade can hinder by hanging backe, more than two or three can or will at least (if they be

be not very free) draw forward, soe will it be in this case: A noteable experiment of this they gave in your Messengers presence, constraining the Company to promise that none of the mony now gathered, should be expended or employed to the healep of any of vs towards you. Now touching the question propounded by you, I judge it not lawfull for you, being a ruling Elder as Rom. xii. 7. 8. and first of Tim. v. 17. opposed to the Elders that teach and exhort, and labour in the word and doctrine, to which the Sacraments are annexed to administer them, nor convenient if it were lawfull. Be you hartily saluted and your wife with you, both from me and mine: Your God and ours, and the God of all his, bring vs together if it be his will, and keep vs in the mean while, and alwaies to his Glory; and make vs serviceable to his Majestie, and faithfull to the end. Amen.

Leyden, December 20, 1623.

Your very loving Brother,

JOHN ROBINSON.

In Anno 1629, a considerable number of the Bretheren of the Church, which were left in Holland, were transported over to vs, that were of the Church in New-England, which although it was att about 500lb. charges, yett it was bourne chearefully by the poor Bretheren heer concerned in it; alsoe about that time, severall Godly persons, some wherof had bin of Mr. Laythorpes Church in England, and others alsoe came to vs out of England, soe that wee became, through the goodnes of God pretty numerous.

By the underworking of some enemies to the Churches in New-England, the following Comission was procured of his Majestie, Charles the First, Kinge of England, &c. what the reason was that it was not put in execution I cannot learn—I have transcribed it, that after ages may improve it as an experiment of God's goodnes to this poor Church at Plymouth, whoe with the other Churches in New-England, was in as great danger to share in drinking as deep of this bitter Cupp as any other, if the Lord had not prevented it. [See *the Comission* in Page 344.]

COMMISSION to Sir WILLIAM RUSSEL, Knight, and others.

[Rymer's *Fœdera*, Tom. XIX. Page 560. A. D. 1634.]

CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our trusty and welbeloved Sir William Russell, Knight and Baronet, Sir William Uvedale, Knight, Sir Dudley Diggs, Knight,

Knight, Sir John Wolstenholme, the elder, Knight, Sir Sampson Darell, Knight, Sir John Wolstenholme, the younger, Knight, Sir Abraham Dawes, Knight, Sir John Jacob, Knight, Henry Garaway, of London, Alderman, Anthony Abdy, of London, Alderman, John Latch, and John St. Almond, Esquires, Isaac Jones, Marmaduke Royden, Robert Oxwick, John Slang, and Philip Burlamachy, of London, Merchants, Edward Ditchfield, of London, Merchant, Reuben Borne, and George Brumley, of London, Grocers. Whereas, not long since, by our several proclamations, we have declared our Royall pleasure concerning the Importing of all sorts of Tobacco growing upon our English Plantations to the Port of London; with strict charge and comands to our several Officers to see the same performed accordingly; and also have, for divers reasons expressed in the said proclamations, confirmed and renewed our streight comands, and directions to all our Justices of Assize, our Justices of Peace, our Mayors, Sheriffs, and all other our Officers of our several Counties, in their several places, to be aiding and assisting to those we have and shall employ for the depressing and rooting out of all English Tobacco lately planted and growing in divers places of our Realm of England, and Ireland; which said Proclamations being duly executed, will no doubt much advantage the benefit of the said foreign Plantations, as also a better conformity in the orderly payment of our Custom and Impost usually paid us for the same: Yet having of late received credible Information that many of the said Planters residing upon the said Colonies, have and are still likely to suffer under the burden of many oppressions occasioned by the secret and indirect Trade of particular Merchants and Shopkeepers, who make a prey of them and their Labours, by supplying their necessities with Commodities at such unreasonable rates, that they are usually forced to pay fifty or sixty pounds weight of Tobacco for a pair of Shoes, with such like unconscionable advantages in several other Merchandizes, that the poor Planters have had scarce necessities for their bodies, but have engaged the most part of their Crops beforehand, to their said Merchants and Shopkeepers, in so much that they only labour and toil to enrich those that thus work upon their necessities, without any ability either to satisfy us our Ordinary duties, or to apply themselves to more noble and stable Commodities whereby they may become of consequence to our Crown of England; which unjust and unconscionable course of the said Merchants and Shopkeepers (as we are likewise informed) have some years past been so grievous unto the said Planters, that they have, contrary to expectation, been forced, not only to petition for abatement of our ordinary Customs and Imposts, but have in extreme necessity begged their Bread from door to door, without any help or relief from the said Merchants and Shopkeepers: By which means, and out of the woful experience of their miseries, they have been of late years compelled to offer their Tobacco to divers of the Merchants of London, tendering unto them a Contract for some term of years, which being refused, they have since been forced to send the most part of their Tobacco for foreign parts, with-

out any payment of our ordinary duties, any regulation either in quality or quantity of Tobacco, or any respect to us or our Dominions, from whence they have annual support of Men, Munition, and Provisions, and this contrary to our Royal Command in our several Proclamations, and several Orders of our Council in that behalf; by all which, and other indirect and disorderly proceedings in the said Plantations we apparently see the danger of their utter ruin, besides the loss of those just profits that do belong unto us. And, being lately solicited by divers of that body (who do sensibly groan under the Burden) to take all these grievances into our Royal consideration. And, finding, that in their Infancies, as yet the chiefest commodity that must support and enable them to more stable Commodities, is this of Tobacco, for which if they fail of an Indifferent and reasonable rate the said Planters must wholly be disabled and impoverished. Having advised with our Lords and others of our Privy Council, we are resolved, and our will and Pleasure is, to have hereafter the sole preemption of the said Tobacco growing upon our said Plantations, and that at such rates and prices as shall be found fitt (having respect to the support of the said Colonies: And being moved to make choice of some fitt and able persons who have experience of the value and quality of the said several sorts of Tobacco, as also of the condition of the present state of the said Plantations, and have observed the great necessities and miseries they have endured by the irregular planting and ordering thereof, and unconscionable practices put upon them in the sale thereof: Know ye therefore, that we reposing especial Trust and Confidence in your fidelity, long experience, and diligence, have nominated, constituted, and appointed, willed, and required, and by these Presents do nominate, constitute, and appoint, will, and require you the said Sir William Russell, Sir William Uvedale, Sir Dudley Digges, Sir John Wolstenholme, the elder, Sir Sampson Darelle, Sir John Wolstenholme, the younger, Sir Abraham Dawes, Sir John Jacob, Henry Garaway, Anthony Abdy, John Latch, John St. Almand, Isaac Jones, Marmaduke Royden, Robert Oxwick, John Slang, Philip Burlamachy, Edward Ditchfield, Reuben Burne, and George Brumley to be our Commissioners: Giving, and by these presents granting unto you, and unto any seven or more of you, (whereof you, the said Sir John Wolstenholme, the elder, Sir John Wolstenholme, the younger, Sir Abraham Dawes, or Sir John Jacob, to be one) full power and authority to call before you all such person and persons as have any Interest in the Plantations of Virginia, Bermudas, the Caribe Islands, or any other of our English Colonies, and acquainting them with this our Royal Will and Pleasure to require them to declare unto you, or any such seven or more of you, their several Interests, and to demand and know what quantities of Tobacco they have upon their several plantations, what they expect upon their returns, and when they shall have the same: And in our name to treat and contract with them, either in Part or Company, for their several quantities; that their several quantities

tities being taken off at reasonable rates, and in different days of payment, they may bring no interruption in our intended contract with the Planters themselves upon the said Plantations: And because many of them upon some private end may seem unwilling to make this Contract, alledging that the Planters inhabiting in the said Colonies are the chief Owners and Ingrossers of the said Tobacco, and that there is little belonging to them, but for satisfaction of several parcels of Goods and wares which they have served into those Colonies, for which they have no payment but by Tobacco, These are to require you and authorize you, and any such seaven or more of you, to assure, on our behalf, the said Planters and Owners, that we are now sending our Commission into every of the said Plantations to treat and conclude the Contract there; and that we hold it fitting, first to begin at home, that the said Planters may see we have omitted nothing that shall conduce to this service, or that may take away any Obstacles there upon pretences of Debts or otherwise: And if any of the said Debts shall appear to be of so great value, you are likewise to enquire of the condition of them, and whereupon they grow, that if it shall be found just and fitting, we may give order to examine the same there also, and to regulate such Order to the Merchants and Shopkeepers here as shall be reasonable for their gain, and not now oppressive and burthenfome to the said poor Planters. And because the season calls upon a dispatch in this business; and that we may be the better informed of all difficulties that may arise in the same, Our Will and Pleasure is, that you forthwith give us an account of your proceedings and conclusions herein: And if any Opposition be made, as in all business of this nature the beginnings are full of doubts and Interruptions, Our Will and Pleasure is, that you certify unto us the names of such that are refractory to our Commands; and if they shall demand greater rates then you on our behalf shall think fit to be given, or shall make any other pretences why they should not submit themselves to this our Royall Pleasure, wherein our Aim is not for our own private profit, as for the support of our said Colonies and preservation of our Subjects who live and reside there: Our Will and Command is also that you, or any such seaven or more of you certify together with such their refusal the reasons they offer for the same, to the end that we may perceive what can be objected against this our Royal intention: And because our desire is to have all expedition in this Contract, and to proceed abroad upon the said Plantations with the same expedition we go at home, Our Will is, and we do require you to give such attendance upon this our service, that we may have this our Commission returned unto us before the fourteenth day of July next; and herein to consider of all such occurrences that as well here as upon the said Plantations may fall out for the advancement of this our service, together with the prices you shall think requisite to be given; the days of payment you shall agree for, with the quantities and qualities of each Plantation to be yearly allowed; and for what term of years the said Contract shall continue; and

by

by what means it may be best effected, and the said Tobacco orderly brought into our said Port of London, from whence all domestique and foreign parts are to be supplied; with such other incident considerations as this our service shall require, that accordingly we may immediately dispatch our said Commission to the said Plantations, and make a settlement of this business, for the more speedy relief of our said poor subjects, and the full performance of this our Pleasure and Comand. In Witness, &c. Witness ourself at Westminster, the nineteenth day of June, in the tenth year of our Reign.

Per Breve de Privato Sigillo.

CERTAIN Proposals made by LORD SAY, LORD BROOKE, and other Persons of quality, as conditions of their removing to NEW-ENGLAND, with the answers thereto.

[Hutchinson's History of Mass. Bay. App. No. II.]

Demand 1. **T**HAT the Commonwealth should consist of two distinct ranks of men, whereof the one should be for them and their heirs, gentlemen of the country, the other for them and their heirs, freeholders.

Answer. Two distinct ranks we willingly acknowledge, from the light of nature and scripture; the one of them called Princes or Nobles, or Elders (amongst whom gentlemen have their place) the other the people. Hereditary dignity or honours we willingly allow to the former, unless by the scandalous and base conversation of any of them, they become degenerate. Hereditary liberty, or estate of freemen, we willingly allow to the other, unless they also, by some unworthy and slavish carriage, do disfranchise themselves.

Dem. 2. That in these gentlemen and freeholders, assembled together, the chief power of the Commonwealth shall be placed, both for making and repealing laws.

Ans. So it is with us.

Dem. 3. That each of these two ranks should, in all public assemblies, have a negative voice, so as without a mutual consent nothing should be established.

Ans. So it is agreed among us.

Dem. 4. That the first rank, consisting of gentlemen, should have power, for
3 B
them

them and their heirs to come to the parliaments or public assemblies, and there to give their free votes personally; the second rank of freeholders should have the same power for them and their heirs of meeting and voting, but by their deputies.

Ans. Thus far this demand is practised among us. The freemen meet and vote by their deputies; the other rank give their votes personally, only with this difference, there be no more of the gentlemen that give their votes personally, but such as are chosen to places of office, either governors, deputy governors, councillors, or assistants. All gentlemen in England have not that honour to meet and vote personally in parliament, much less all their heirs. But of this more fully, in an answer to the ninth and tenth demand.

Dem. 5. That for facilitating and dispatch of business, and other reasons, the gentlemen and freeholders should sit and hold their meetings in two distinct houses.

Ans. We willingly approve the motion, only as yet it is not so practised among us, but in time, the variety and discrepancy of sundry occurrences will put them upon a necessity of sitting a part.

Dem. 6. That there shall be set times for these meetings, annually or half yearly, or as shall be thought fit by common consent, which meetings should have a set time for their continuance, but should be adjourned or broken off at the discretion of both houses.

Ans. Public meetings, in general courts, are by charter appointed to be quarterly, which in this infancy of the colony, wherein many things frequently occur which need settling, hath been of good use, but when things are more fully settled in due order, it is likely that yearly or half yearly meetings will be sufficient. For the continuance or breaking up of these courts, nothing is done but with the joint consent of both branches.

Dem. 7. That it shall be in the power of this parliament, thus constituted and assembled, to call the governor and all public officers to account, to create new officers, and to determine them already set up: and the better to stop the way to infolence and ambition, it may be ordered that all offices and fees of office shall, every parliament, determine, unless they be new confirmed the last day of every session.

Ans. This power to call governors and all officers to account, and to create new and determine the old, is settled already in the general court or parliament, only it is not put forth but once in the year, viz. at the great and general court in May, when the governor is chosen.

Dem. 8. That the governor shall ever be chosen out of the rank of gentlemen.

Ans. We never practice otherwise, choosing the governor either out of the assistants, which is our ordinary course, or out of approved known gentlemen, as this year † Mr. Vane.

and

Dem. 9. That for the present, the Right Honorable the Lord Viscount Say and Seale, the Lord Brooke, who have already been at great disbursements for the public works in New-England, and such other gentlemen of approved sincerity and worth, as they, before their personal remove, shall take into their number, should be admitted for them and their heirs, gentlemen of the country. But for the future, none shall be admitted into this rank but by the consent of both houses.

Ans. The great disbursements of these noble personages and worthy gentlemen we thankfully acknowledge, because the safety and presence of our brethren at Connecticut is no small blessing and comfort to us. But, though that charge had never been disbursed, the worth of the honorable persons named is so well known to all, and our need of such supports and guides is so sensible to ourselves, that we do not doubt the country would thankfully accept it, as a singular favor from God and from them, if he should bow their hearts to come into this wilderness and help us. As for accepting them and their heirs into the number of gentlemen of the country, the custom of this country is, and readily would be, to receive and acknowledge, not only all such eminent persons as themselves and the gentlemen they speak of, but others of meaner estate, so be it is of some eminency, to be for them and their heirs, gentlemen of the country. Only, thus standeth our case. Though we receive them with honor and allow them pre-eminence and accommodations according to their condition, yet we do not, ordinarily, call them forth to the power of election, or administration of magistracy, until they be received as members into some of our churches, a privilege, which we doubt not religious gentlemen will willingly desire (as David did in Psal. xxvii. 4.) and christian churches will as readily impart to such desirable persons. Hereditary honors both nature and scripture doth acknowledge (Ecclef. x. 17.) but hereditary authority and power standeth only by the civil laws of some commonwealths, and yet even amongst them, the authority and power of the father is nowhere communicated, together with his honors, unto all his posterity. Where God blesteth any branch of any noble or generous family, with a spirit and gifts fit for government, it would be a taking of God's name in vain to put such a talent under a bushel, and a sin against the honor of magistracy to neglect such in our public elections. But if God should not delight to furnish some of their posterity with gifts fit for magistracy, we would expose them rather to reproach and prejudice, and the commonwealth with them, than exalt them to honor, if we should call them forth, when God doth not, to public authority.

Dem. 10. That the rank of freeholders shall be made up of such, as shall have so much personal estate there, as shall be thought fit for men of that condition, and have contributed some fit proportion to the public charge of the country, either by their disbursements or labours.

Ans. We must confess our ordinary practice to be otherwise. For, excepting

the old planters, i. e. Mr. Humphry, who himself was admitted an assistant at London, and all of them freemen, before the churches here were established, none are admitted freemen of this commonwealth but such as are first admitted members of some church or other in this country, and, of such, none are excluded from the liberty of freemen. And out of such only, I mean the more eminent sort of such, it is that our magistrates are chosen. Both which points we should willingly persuade our people to change, if we could make it appear to them, that such a change might be made according to God; for, to give you a true account of the grounds of our proceedings herein, it seemeth to them, and also to us, to be a divine ordinance (and moral) that none should be appointed and chosen by the people of God, magistrates over them, but men fearing God (Ex. xviii. 21.) chosen out of their brethren (Deut. xvii. 15) faints (1 Cor. vi. 1.). Yea, the apostle maketh it a shame to the church if it be not able to afford wise men from out of themselves, which shall be able to judge all civil matters between their brethren (ver. 5.) And Solomon maketh it the joy of a commonwealth, when the righteous are in authority, and the calamity thereof, when the wicked bear rule, Prov. xxix. 2.

Obj. If it be said, there may be many carnal men whom God hath invested with sundry eminent gifts of wisdom, courage, justice, fit for government.

Ans. Such may be fit to be consulted with and employed by governors, according to the quality and use of their gifts and parts, but yet are men not fit to be trusted with place of standing power or settled authority. Ahitophel's wisdom may be fit to be heard (as an oracle of God), but not fit to be trusted with power of settled magistracy, lest he at last call for 12000 men to lead them forth against David, 2 Sam. xvii. 1, 2, 3. The best gifts and parts, under a covenant of works (under which all carnal men and hypocrites be) will at length turn aside by crooked ways, to depart from God, and, finally, to fight against God, and are therefore, herein, opposed to good men and upright in heart, Psal. cxxv. 4. 5.

Obj. If it be said again, that then the church estate could not be compatible with any commonwealth under heaven.

Ans. It is one thing for the church or members of the church, loyally to submit unto any form of government, when it is above their calling to reform it, another thing to chuse a form of government and governors discrepant from the rule. Now, if it be a divine truth, that none are to be trusted with public permanent authority but godly men, who are fit materials for church fellowship, then from the same grounds it will appear, that none are so fit to be trusted with the liberties of the commonwealth as church members. For, the liberties of the freemen of this commonwealth are such, as require men of faithful integrity to God and the state, to preserve the same. Their liberties, among others, are chiefly these. 1. To chuse all magistrates, and to call them to account at their general courts. 2. To chuse such burgeses, every
general

general court as with the magistrates shall make or repeal all laws. Now both these liberties are such, as carry along much power with them, either to establish or subvert the commonwealth, and therewith the church, which power, if it be committed to men not according to their godliness, which maketh them fit for church fellowship, but according to their wealth, which, as such, makes them no better than worthy men, then, in case worldly men should prove the major part, as soon they might do, they would as readily set over us magistrates like themselves, such as might hate us according to the curse, Levit. xxvi. 17. and turn the edge of all authority and laws against the church and the members thereof, the maintenance of whose peace is the chief end which God aimed at in the institution of Magistracy. 1 Tim. ii. 1. 2.

** PETITION of the Council for planting, &c. NEW ENGLAND, to
the Lords of the Council in ENGLAND.*

[Hubbard's MSS. Hist.]

May it please your Lordships,

WHEREAS it pleased your Lordships to give Order to Sir Ferdinando Gorges to confer with such as were chiefly interested in the Plantations of New England, to resolve whether they would resign wholly to his Majesty the Patent of New England, and to leave to his Majesty and his Council the sole managing of the public affaires, with reservation of every man's right formerly granted, or whether they would stand to the said Patent, and prosecute the business amongst themselves, and to have the said Patent renewed, with the Reformation or addition of such things as should be found expedient.

Wee whose names are hereunderwritten, being interested in the business, do humbly submit to his Majesty's Pleasure to do therewith as he pleaseth. But withall wee humbly desire, that upon our Resignation of our said Patent, his Majesty being to dispose of the whole country severally and immediately from himselfe, those divisions upon the Sea-Coast that are here underdesigned, may be instantly confirmed and bestowed, by new Grants from his Majesty unto us, to be holden of his Majesty, paying the fifth Part, &c. and with the priviledge of the said Patent, and such further

Royalties,

* I apprehend this is not an exact, literal copy of the original Petition, but it is the only Paper I have met with, from which even the Substance of it could be collected. Hubbard mentions no date, but it must have been about the beginning of April, 1635.

Royalties, as the Lord Baltimore hath in his Patent for the Country of Maryland, saving onely that we should submit ourselves to the General Governour now presently to be established by his Majesty for the whole Country, and after his decease, or other Determination of his Office, that then, from the Lords of his Provinces, there may be an Election of three by Lot, which said three persons so elected, shall be presented to the King, that out of that number one may be chosen by his Majesty to succeed in the place of the General Governor, who shall in person, or by his sufficient Deputy, reside in the Country during the space of three years onely, and so from three years to three years another Governor to be chosen successively, and the old Governor to be left out of the Lot of Choice.

[“ The severall Divisions of the twelve Provinces next followed after: The first
 “ was from St. Croix to Pemaquid, the second from Pemaquid to Sagadahock;
 “ the third contained the land between the rivers Ambros-Coggen and Kennebeck;
 “ the fourth along the Sea Coast from Sagadahock to Pascataqua; the fifth from
 “ Pascataqua to Naumkeek; the sixth from Naumkeek round the Sea Coast by
 “ Cape Cod to Narraganset; the seventh from Narraganset to the Halfe-Way-Bound
 “ betwixt that and Connecticut River, and so 50 miles up into the Country; the
 “ eighth from the Halfe-Way-Bound to Connecticut River, and so 50 miles up into
 “ the Country; the ninth from Connecticut River along the Sea Coast to Hudson’s
 “ River, and so up 30 miles, &c. the tenth from the 30 miles end to cross up 40
 “ miles eastward; the eleventh from the west side of Hudson’s River 30 miles up
 “ the country towards the 40th degree, where New England beginneth; the
 “ twelfth from the end of the 30 miles up the said River northward, thirty
 “ miles further, and from thence to cross into the land 40 miles. And out of
 “ every one of these Provinces was 5000 acres to be granted to certaine persons
 “ there named in lieu of some former Grants made to each of them in those Divisions
 “ which they were now to surrender, and to hold each man his 5000 acres in Fee
 “ of the Lord of the Province: And the Lord of every one of these twelve Pro-
 “ vinces was to send the same year ten men with the General Governor, well pro-
 “ vided. To all which it is added in the last place,”*] It is humbly desired that
 your Lordships would be pleased to order these things following.

1. That the Patent for the Massachusetts-Bay may be revoked, and that all those who have any other Grants within any of these Provinces, whether they have planted or not, upon any part of the same, yet they shall enjoy their Lands, laying down their Jura Regalia, if they had any; and paying some reasonable Acknowledgment as freeholders to the Lord of the Province, of whom they are now to take
 new

* Hubbard.

new Grants of their said Lands ; and in case any of their Lands shall be found having exorbitant bounds, to have been unlawfully obtained, they shall be reduced to a lesser proportion, as may be fit for the Granter who is undertaker at the Direction of Sir Ferdinando Gorges ; and if the Grantee shall be any ways refractory, and refuse to surrender, and hold anew of the said Lord of the Province, that then your Lordships would take order, by such course as law will permit, to make voyd the same.

2. That every River that parts two Provinces shall equally belong halfe way over to that Province it lies contiguous to.

3. That the Islands upon the Seacoast, or within the River of any Province, being not here named, shall belong to the Province they ly neereft unto.

4. That there is offered to your Lordships considerations the building of a City for the seat of the Governor, unto which City 4000 acres of land may be allotted, besides the Divisions abovementioned : And that every one that is to have any of these Provinces shall be at the Charge of sending over with the Governor ten men towards the building of the said City, wherein every such Adventurer shall not only have his share of the Trade and Buildings, but also shall have all other Fruit of the ten mens labor sent as aforesaid.

Moreover, there is humbly dedicated to the Foundation of a Church in the said City, and Maintenance of Clergymen to serve in the said Church, 10000 acres of land neer adjoining to the said City.

COUNCIL of PLYMOUTH's Grant to Capt. JOHN MASON.

[Hubbard's MSS. Hist.]

FORASMUCH as by a mutual Agreement, wee whose names are subscribed, patentees or Adventurers, and of the Council of New England, are to joyne in the Surrender to his Majestie of the great Charter of that Country, which was granted to us in the 18 yeare of the Reigne of King James, of blessed Memory. In whose prefence Feb. 3. 1634, Lotts were drawne for settling of divers and sundry Divisions of Lands on the Sea Coasts of the said Country, upon most of us, who hitherto have never been confirmed in the lands so allotted.

And to the intent that every one of us according to equity, and in some reasonable manner, answerable to his Adventures, or other Interest, may enjoy a Proportion of the lands of the said Country, to be immediately holden of his Majestie ; We therefore do condescend and agree, that all the part of the Sea Coast of the Country

Country aforesaid shall belong to Captain John Mason, to begin at the middle of Naumkeek River, and from thence to proceed eastward, along the Sea Coast, to Cape Anne, and round about the same into Pascataqua Harbour, and so forward up the River of Newichawanock, and to the furthest head of the said River, and from thence north-westward till 60 miles be finished from the first entrance of Pascataqua Harbour. Also from Naumkeek through the Harbour and River thereof up into the land west 60 miles, from which period to cross over land to the 60 miles end, accounted from Pascataqua, through Newichawanock River, and into the said land northwest as aforesaid; and hereunto is to belong the South halfe of the Isle of Shoales, and 10000 acres of land on the southeast part of Sagadahock, at the mouth or entrance thereof. Saving and reserving out of this Division, to every one that hath any lawfull grant of lands, or Plantation lawfully settled in the same, the freeholding and enjoying of his right, with the liberties thereunto appertaining, laying down his Jura Regalia, if he have any, to the Proprietor of his Division, wherein his land lyes, and paying some small acknowledgment for that he is now to hold his said land anew of the Proprietor of his Division.

Lenox,

Starling,

Hamilton,

Edward Gorges,

Arundell & Surrey,

Ferd. Gorges.

Carlisle,

GRANT of NEW-HAMPSHIRE and MASSONIA to Captain JOHN MASON.

[Records of the Province of Maine.]

TO all Christian People unto whom these Presents shall come, the Councell for the Affayres of New England, in America, send Greeting in our Lord God everlasting. Whereas our late Soueraign Lord King James, of blessed memory, by his Highness's letters-patents vnder the Great Seal of England, beareing date at Westminster, the third day of November, in the eighteenth yeare of his Reign over his Highness's Realme of England, for the Consideration in the said Letters-patents expressed and declared, hath absolutely giuen, granted, and confirmed vnto the said Councell, and their successors for euer, all the land of New England in America lying and being in breadth from fourty degrees of northerly latitude from the Equi-

noſſiall Lyne, to forty eight degrees of the ſaid northerly latitude incluſively; and in length of and within all the breadth aforeſaid, from ſea to ſea, together alſo with all the firme lands, ſoyles, grounds, havens, ports, rivers, waters, fiſhings, mines and mineralls, as well Royall mines of gould and ſilver, as other mines and mineralls, pretious ſtoons, quarries, and all and ſingular other commoditys, juriſdictions, Royaltys, priviledges, franchiſes, preheminences, both within the ſaid tract of land upon the Mayn, and alſo within the yſlands and ſeas adjoyneing, as the ſaid letters pattents, amongſt divers other things therein containned, more at large doth and may appeare. Now know all men by theſe preſents, that the ſaid Counſell of New England, in America, being aſſembled in publick court, according to an act made and agreed vpon the third day of February laſt paſt, before the date of theſe preſents, for diuerſe good cauſes and conſiderations them there vnto eſpetially moveing, Have given, granted, aliened, barganed and ſoud, and in and by theſe preſents do for them and their ſucceſſors, give, grant, alien, bargane ſell and confirm vnto Capt. John Maſon, Eſq; his heyres and aſſignes, all that part of the Mayn Land of New England aforeſaid, beginning from the middle part of Naumkeck River, and from thence to proceed eaſtwards along the Sea Coaſt to Cape Anne, and round about the ſame to Piſchataway Harbour, and ſo forwards vp within the river of Newgewanacke, and to the furtheſt head of the ſaid River, and from thence northweſtwards till ſixty miles bee finiſhed, from the firſt entrance of Piſchataqua Harbor, and alſo from Naumkecke through the River thereof vp into the land weſt ſixty miles, from which period to croſs over land to the ſixty miles end, accompted from Piſchataway, through Newgewanacke River to the land northweſt aforeſaid; and alſo all that the South Halfe of the Yſles of Shoales, all which lands, with the Conſent of the Counſell, ſhall from henceforth be called New-hampſhyre: And alſo ten thouſand acres more of land in New England aforeſaid, on the ſoutheaſt part of Sagadihoc, at the mouth or entrance thereof, from henceforth to bee called by the name of Maſſonia; together with all and ſingular Havens, Harbors, Cricks, and Yſlands inbayed, and all Iſlands and Illets lying within five leagues diſtance of the Mayne Land oppoſite and abutting upon the Premises or any part thereof, not formerly lawfully granted to any by ſpetiall name; and all mines, mineralls, quarries, ſoyles, and woods, marſhes, waters, rivers, lakes, fiſhing, hawkings, hunting, and fowling, and all other Royaltys, juriſdictions, priviledges, preheminences, profits, comoditys, and hæreditaments whatſoever, with all and ſingular theire and every of theire appurtenances, and together alſo with all rents reſerved, and the benefit of all profits due to the ſaid Counſell, and theire ſucceſſors, with power of judicature in all cauſes and matters whatſoever, as well criminall, capitall, and civil, ariſeing or which may hereafter ariſe within the lymitts, bounds, and precincts aforeſayd, to bee exerciſed, and executed according to the laws of England as neere as may bee,

by the said capt. John Mafon, his heyers and assignes, or his or their Deputys, Leeftenants, Judges, Stewards, or Officers thereunto by him or them assigned, deputed or appoynted from tyme to tyme, with all other priviledges, trantises, lybertys, immunitys, escheats, and causuallitys, thereof ariseing or which shall or may hererfter arise within the said lymitts and precincts, with all the right, title, claime, and demand whatsoever, which the said Counsell and their succeffors now of right have or ought to have, or claim, or may have or acquire hereafter in or to the said portions of lands, or Islands, or any the premisses, and in as large, free, ample, benefitall a manner, to all intents, constructions, and purposes whatsoever, as the said Counsell, by virtue of his Majesty's said letters pattents may or can grant the same; savinge and always reserving vnto the said Counsell and their succeffors, power to receive, heare and determine all and singular appeale and apeales of every person and persons whatsoever, dwelling or inhabiting within the said Territorys and Yslands or any part thereof, soe granted as aforesaid, of and from all judgements, and sentences whatsoever given within the said lands and territory aforesaid: To have and to hould all and singular the lands and premisses above, by these presents granted (except before excepted) with all and all manner of profetts, commoditys, and hæreditaments whatsoever, within the lands and precincts aforesaid, to the said lands, yslands, and premisses, or any part of them, anywise belonging or appertayning vnto the said Capt. John Mafon, his heyres, and assignes, to the onely proper vse and behoofe of him the said Capt. John Mafon, his heyres and assignes for ever, to be houlden of the said Counsell, and their succeffors per gladium committatis, that is to say, by firding four able men conueniently armed and arrayed for the warre to attend vpon the Governor of New England, for the publick service of, within foureteen dayes after any warning given; Yielding and paying vnto the said Counsell and their succeffors for ever, one fift part of all the ore of the mines of gould and silver, which shall bee had, possessed, or obteyned within the lymitts or precincts aforesaid, for all rents, services, duties, and demands whatsoever, due vnto the said Counsell and their succeffors, from any plantation within the precincts aforesaid, the same to be delivered vnto his Majesty's Receiver, his Deputy or Deputys assigned for the receipt thereof, to the use of his Majesty, his heyres and succeffors, from tyme to tyme, within the lands, precincts, and territorys of New-Englnd aforesaid. And lastly, the said Counsell have deputed and authorized and appointed, and in their place and stead have putt Henry Jocelyn, Esq; and Ambrose Gibbines Gentle. or either of them, to be their true and lawfull Attorney and Attorneys, for them, and in their name and stead to enter into the said lands and other the premisses with their appurtenances, or any part thereof in the name of the whole, and take quiet and peaceable possession and seazin thereof soe had and taken as aforesaid, then to deliver the same vnto the said Capt. John Mafon, his heyres or assigns, or to his or their

their certen Attorney, or Attorneys, to be by him or them deputed on that behalf, according to the purport, true intent and meaning of these presents. In witness whereof they the said Counsell have hereunto affixed their common seal, dated the two-and-twentieth day of April, in the eleventh yeare of the Reigne of our Soueraign Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, Anno Domini, 1635. Sealed with the Seal of the said Counsell thereto appended.

Vera Copia.

FRED: IXEM, Notorius Publicus.

CAPTAIN JOHN MASONS *the means of Interestling the SCOTISH Nation into that of NEW-SCOTLAND.*

[Gorges Description of New-England.]

CAPTAN John Mafon was himself a man of action, and had been some time Governour of a Plantation in the New-found-land, his time being expired there, he returned into England, where he met with Sir William Alexander, who was Mr. of Requests to his majesty for the realm of Scotland, but since Earl of Starline, who hearing of Captaine Mafon's late comming out of the New-found-land was desirous to be acquainted with him. To that end he invited him to his house, and after he had thoroughly informed himselfe of the estate of that Country, he declared his affection to that plantation, and wisht the Captaine to be a means to procure him a Grant of the Planters ther of for a portion of land with them, who effected what he desired. The Captaine understanding how far forth I had proceeded in the businesse of New-England, advised him to deale with me for a part of what we might conveniently spare, without our prejudice within the bounds of our Grant. Sir William Alexander intending to make himselfe sure of his purpose, procured his Majesty, (for what could they not do in those times in such cases) to send to me to assigne him a part of our Territories, his Majesties gracious message was to me, as a command agreeing with his pleasure, to have it so. Whereupon an instrument was presently drawn for the bounding thereof, which was to be called New-Scotland, which afterwards was granted to him by the King, under the seale of Scotland. Thus much I thought fit to insert by the way, that posterity might know the ground, from whence busineses of that nature had their originall.

The Meeting of the Lords for the dividing of the Coast.

The time being come their Lordships had appointed; an act was made for the resignation of the Patent, † with the confirmation of our particulars, where the Bounds were thus laid out; beginning from the Westermost parts of our Bounds Eastwards, where the Lord of Mougrau began his Limits, and ended the same at the River called Hudson's River; to the Eastward of the River was placed the Duke of Lenox, since Duke of Richmond, to the end of sixty miles Eastward, next to him was placed the Earl of Carlisle, next to him the Lord Edward Gorges, next to him was settled the Marquess Hamilton, next to him Captain John Mason; and lastly myself, whose bounds extended from the midst of Merrineck to the great River of Sagadahocke, being sixty miles, and so up into the maine land one hundred and twenty miles.

The manner and forme of the Government, I have established for the ordering of the publique affairs within my Provinces of Main.

First, in my absence I assigned one for my Lievetenant or Deputy, to whome I adjoynd a Chancellour for the determination of all differences arising between party and party, for *Meum and Tuum*, onely next to him I ordained a Treasurer for receipt of the Publique Revenue; to them I added a marshall for the managing of the Militia, who hath for his Lievetenant a Judge-Marshall, and other officers to the Marshall Court, where is to be determined all criminall and capitall matters, with other misdemeanours or contentions for matters of honour and the like: To these I have appointed an Admirall with his Lievetenant or judge, for the ordering and determining of Maritime Causes, whose court is only capable of what passeth between party and party, concerning trades and contracts for Maritime Causes, either within the Province or on the Seas, or in forreign parts, so far as concerns the Inhabitants, their Factors or Servants (as is usual here in England:) Next I ordered a Master of the Ordnance, whose office is to take charge of all the publique stores belonging to the Militia, both for Sea and Land: To this I joyne a Secretary for the publique service of my selfe and Councill, these are the standing Councillors, to whom is added eight deputies, to be elected by the Freeholders of the severall Counties as Councillours for the state of the Country, who are authorized by virtue of their places, to sit in any of the aforesaid Courts, and to be Assitants to the Presidents thereof,

† The Patent to the Councill for ordering, &c. the Affairs of New-England.

thereof, and to give their opinions according to justice, &c. That there is no matter of moment can be determined oft, neither by my selfe, nor by my Lievetenant in my absence, but by the advice and assent of the whole body of the Councell, or the greater part of them, sufficiently called and summoned to the Assembly.

That no judge or other Minister of State to be allowed of, but by the advice and assent of the said councell, or the greater part of them, as before.

That no alienation or sale of Land be made to any, but by their Councell and assent, be it by way of gift for reward, or service, or otherwise whatsoever.

That no man to whom there hath beene any Grant past of any Freehold, shall alienate the same without the assent and licence of the said Councell, first had and obtained.

That in case any law to be enacted or repealed, mony to be levied, or forces for publique defence,

The summons thereof to the severall Bailiwicks or Counties, is to be issued out in my name, but with the content of the said Councell, by virtue whereof power is to be given to the Freeholders of the said counties respectively, to elect and choose two of the most worthy within the said County, as Deputies for the whole, to joyn with the Councell for performance of the service for which they were called to that Assembly, all appeals made for any wrong or injustice committed by any the severall Officers of any of the standing Courts of Justice, or authority of any other person or persons.

For the better ease of the Inhabitants of the severall Bailywicks or Counties, there is assigned one Lievetenant and eight Justices, to administer Justice, for maintenance of the publique peace, according to the Laws provided: These officers and justices to be chosen and allowed of by my selfe, or any Lievetenant in my absence, with the assent of the said Councell belonging unto me.

As for the Constables of the Hundreds, Constables of the Parishes, with the severall Tything men of every Parish to be chosen by the Lievetenant and Justices of the severall Counties, to whom such oaths are to be administered, as by the Councell and myself, or Lieutenant shall be thought fit.

That every Hundred shall have two head Constables assigned them, and every Parish one Constable and four Tything men, who shall give account to the constable of the Parish of the demeanour of the Householdors within this Tything, and of their severall Families; the constable of the Parish shall render the same accompt fairly written to the Constables of the Hundred, or some of them, who shall present the same to the Lievetenant and Justices at their next sitting, or before if cause require, and if it be matter within the power of the Lievetenant and Justices to determine of, then to proceed therein according to their said authority, otherwise to commend it to myself or my Lievetenant and Councell.

*A T a Meeting at the EARL of CARLISLE'S Chamber at WHITEHALL,
the 25th, April 1635.*

[From a MSS. Copy.]

P R E S E N T.

Lord Gorges, President,
Marquess Hamilton,
Earl of Arundell,
Earl of Southampton,
Earl of Lindsey,
Earl of Carlisle,
Earl of Sterline,
Lord Mattrevers,

Capt. Mafon, Vice President,
Lord Alexander,
Sir Ferdinando Gorges,
Sir Kenelme Digby,
Sir Robert Mansell,
Sir Henry Spellman,
Sir James Baggs,
Mr. Montague.

A Declaration of the Council of New-England for the Resignation of the Great charter, and the Reasons moving them thereto.

FORASMUCH as we have found by a long experience, that the faithful endeavours of some of us, that have sought the Advancement of the Plantation of New England, have not been without frequent and inevitable troubles as companions to our undertakings from our first discovery of that Coast to this present, by great Charges and necessary Expences; but also depriving us of divers of our near Friends and faithful Servants employed in that work abroad, whilst ourselves at home were assaulted with sharp litigious questions before the Lords of his Majesty's most honorable Privy Council, by the Virginia Company, and that in the very infancy thereof; who, finding they could not prevail in that way, they failed not to prosecute the same in the House of Parliament, presenting our said Plantation to be a grievance to the Commonwealth, and for such pretended it unto King James, of blessed memory; who, although his Justice and Royal Nature could not so relish it, but was otherwise pleased to give His gracious encouragement for prosecution thereof, yet such was the times as the affections of the multitude was thereby disheartened; and so much the more by how much it pleased God, about that time, to bereave us of the most noble and principal Props thereof, as the Duke of Lenox, Marquess Hamilton, and many other strong stayes to this weak building; then followed the Claim of the French Ambassador, taking advantage of the divisions made of the Sea Coast between ourselves,

selves, to whom we made a just and satisfactory Answer as it seems, for that he rested contented therewith, and since that we heard no more thereof.

Nevertheless these crosses did draw upon us such a disheartened Weakness, as there only remained a Carcase, in a manner breathless, 'till the end of the last parliament, when there were certain that desired a Patent of some lands in the Massachusetts-Bay to plant upon, who presented the names of honest and religious men, easily obtained their first desires; but those being once gotten, they used other means to advance themselves, and step beyond their first Proportions to a second Grant surreptitiously gotten of otherlands, also justly passed unto Captain Robert Gorges, and others long before, who being made governor of these parts, went in person and took an absolute Seizure and actual Possession of that country by a settled Plantation he made in the Massachusetts-Bay, which afterwards he left to the charge and custody of his servants and certain other Undertakers and Tenants belonging unto some of us, who were thrust out by these Intruders that had exorbitantly bounded their Grant from east to west through all that main land from sea to sea, being near about three thousand miles in length, withal riding over the heads of those Lords and others that had their Portions assigned unto them in His late Majesty's presence, and with his Highness's approbation, by Lot upon the south coast from east to west some eighty and one hundred leagues long; but herewith not yet content, they laboured and obtained unknown to us, a Confirmation of all this from his Majesty, and unwitting thereof, by which means they did not only enlarge their first extents to the west limits spoken of, but wholly excluded themselves from the public government of the council authorised for those affairs, and made themselves a free people, and for such Hold of themselves at present, whereby they did rend in pieces the first foundation of the Building, and so framed vnto themselves both new laws and new conceits of matter of Religion and forms of Ecclesiastical and Temporal Orders and government, punishing divers that would not approve thereof, some by whipping, and others by burning their Houses over their heads, and some by banishing, and for the like, and all this partly under other pretences, though indeed for no other cause, save only to make themselves absolute masters of the Country, and unconscionable in their new Laws, so as these Complaints posting first unto ourselves that had no sufficient means to redress, or give satisfaction to the persons aggrieved, they were at last of Necessity Petitioners to his Majesty, who, pitying their cases, referred them to the lords to examine the truths thereof and to consider of the means of Reformation; who, calling some of us to give account by what authority, or by whose means, these people were sent over, and conceiving us to be guilty thereof, we were called for from our houses, far remote in the country, at unreasonable times, to our great charge and trouble: but, as innocence is confident, so we easily made it appear that we had no share in the evils committed, and wholly disclaimed the having any hand therein, humbly referring

ferring to their Lordships to do what might best fort with their wisdoms ; who found matters in so desperate a case, as that they saw a necessity for his Majesty to take the whole business into his own hands, if otherwise we could not undertake to rectify what was brought to ruin ; but finding it a task too great for us to perform, we rather chose to resign all into his Majesty's Hands to do therein as he pleased, to whom we conceived it did principally belong, to have care of a business of so high consequence as now it is found to be. After all these troubles, and upon those considerations it is now resolved, that the patent shall be surrendered unto his Majesty, with reservation of all such lawful Rights as any is or hath been seized with, either before or since the Patent granted to those of the Bay of the Massachusetts, and that it may please his Royal Majesty to pass particular grants unto us of such proportions of lands as we have mutually agreed upon and are recorded before in this book ; that so we having his Majesty's Grants of the same under a settled government, may the more cheerfully proceed in the planting of our several provinces, and with a better courage and assurance prosecute the same to a full settling of the state of those countries, and a dutiful obedience to all such as shall come unto us, to his Majesty's laws and ordinances there to be established and put in execution by such his Majesty's Lieutenants or Governors as shall be employed for those services, to the Glory of Almighty God, the Honour of his Majesty, and public Good of his faithful Subjects.

And thus much we have thought fit to have recorded, and in convenient time published, that Posterity may know the reasons and necessities moving us to quit ourselves of these Inconveniences and dangers that might have fallen upon the Plantations for want of power to reform the same.

TO THE KING'S MOST EXCELLENT MAJESTY.

The humble Petition of Edward Lord Gorges, President of the Council of New-England, in the Name of himself and divers Lords and others of the said Council.

Humbly Prayeth

THAT forasmuch as they are presently to joyn in a voluntary Surrender of the grant Patent of their Corporation to your Majesty, that your Majesty would be graciously pleased to give order to Mr. Attorney General to draw such Patents

for Confirmation, for such parcelis of land as by mutual consent in their Court have formerly been allotted to them, and to have the said Patents prepared for your Majesty's royal Signature, with such priviledges and immunities as heretofore they have or might have enjoyed with their lands by virtue of the said Grand Patent; the said lands to be holden immediately of your Majesty, and submitting themselves to your Majesty's Governor or Lieutenant of New England for the time being, with Reservation of the Right of every one lawfully planted in any of said lands, according to an act in that case made and provided by the said Council in their Court, by means whereof every of them know their own interests and authority, may be the better able to plant their lands and govern their tenants and servants, to the honour of your Majesty, and rendering such obedience to your highness laws and command as shall be approved of, and for the common good, weal, and happiness of themselves and the whole country. And shall ever pray.

Presented to his Majesty

1^{mo} May, 1635.

Hubbard says it was dated April 6. 1635.

THE *Act of SURRENDER of the Great Charter of NEW ENGLAND to his Majesty.*

[From a MSS. Copy.]

To all Christian People to whom this present Writing shall come: The President and Council established at Plymouth in the County of Devon, for planting, ruling, and governing of New England in America, send Greeting, in our Lord God everlasting.

WHEREAS our late Sovereign Lord King James, of ever blessed memory, by his Highness Letters Patents under the Great Seal of England, bearing date at Westminster, the third day of November, in the eighteenth year of his Majesty's reign of England, France, and Ireland, and of Scotland the four-and-fiftieth: Upon the motives, reasons, and causes in the said Letters Patents mentioned and contained, Did for him, his heirs, and successors, grant, ordain, establish, and confirm his then right trusty and right well beloved Cousins and Councillors Lodowick then Duke of Lenox, Lord Steward of his Household, George then Marquess of Buckingham then High Admiral of England, James then Marquess of Hamilton, William then Earl of Pembroke and then Lord Chamberlaine of his Household, who are since deceased; Thomas now Earl of Arundell, and divers others of his Nobility

and Gentry of this realme of England, therein named, to be the first and present Council established at Plymouth aforesaid, for the planting, ruling, and governing of New England in America aforesaid: And then the said then Duke of Lenox, Marquess of Buckingham, Marquess of Hamilton, Earl of Pembroke, and Earl of Arundel, and the said others of the Nobility and Gentry therein named, and the survivors of them and their successors, to be elected as in the said Letters Patents is expressed, did by the said Letters Patents incorporate, erect, ordain, name, constitute, and establish to be one body politick and corporate, in Deed and Name, by the Name of the Council of Plymouth aforesaid, in the said County of Devon, for the planting, ruling, and governing of New England in America aforesaid, to have perpetual succession, with divers other powers, priviledges, immunities, provisions, and restrictions, for the propagation and establishing of true Religion in those parts, and for the better regulating of the same plantations, as in and by the same Letters Patents, due Reference thereunto had more plainly and at large appeareth. Now Know ye that the said President and Council, for divers good causes and considerations them thereunto moving, have given, granted, assigned, yielded up, and surrendered, and by these presents do give, grant, assign, yield up and surrender unto our most gracious Sovereign Lord Charles, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, the said Letters Patents to the Duke of Lenox, Marquess of Buckingham, Marquess Hamilton, William Earl of Pembroke, Thomas Earl of Arundel, and to the rest of the Nobility and Gentry of this kingdom therein named, for the planting, ruling, and governing of New-England in America aforesaid, and all and every the liberties, licences, powers, priviledges and authorities therein and thereby given and granted, or mentioned to be given and granted, and all their and every their right, estate, title, interest, claim, demand whatsoever of, in, and to the same Letters-Patents, licences, powers, priviledges and authorities, and of, in and to, every or any part or parcell of them or any of them. In Witnes whereof the said President and Council have caused their common Seal to be put to these presents, the seventh day of June in the eleventh year of the reign of our Sovereign Lord King Charles, and in the year of our Lord God, one thousand six hundred thirty five.

ARTICLES *made between the Right Honorable the Lord Viscount SAY and SEAL, Sir ARTHUR HASSELRIG, Baronet, Sir RICHARD SALTONSTALL, Knight, HENRY LAWRENCE, HENRY DARLEY and GEORGE FENWICK, Esqrs; on the one part, and JOHN WINTHROP, Esq; the younger, of the other, the 7th of July 1635.*

[Trumbull's Vindication of the Connecticut Title to Lands West of New-York.]

First, **T**HAT we in our names, and the rest of the company, do by these presents appoint John Winthrop the younger, governor of the river Connecticut in New-England, and of the harbour and places adjoining, for the space of one year, from his arrival there.—And the said John Winthrop doth undertake and covenant for his part, That he will with all convenient speed repair to those places, and there abide as aforesaid for the best advancement of the company's service.

Secondly, That so soon as he comes to the bay, he shall endeavour to provide able men to the number of fifty at least, for making of fortifications and building of houses at the river Connecticut and the harbour adjoining—first for their own present accommodation, and then such houses as may receive men of quality, which latter houses we would have to be builded within the fort.

Thirdly, That he shall employ those men according to his best ability, for the advancement of the company's service, especially in the particulars above mentioned, during the time of his government, and shall also give a true and just account of all the monies and goods committed to his managing.

Fourthly, That for such as shall plant there now in the beginning he shall take care that they plant themselves either at the harbour or near the mouth of the river that these places may be the better strengthened for their own safety, and to that end that they also set down in such bodies together, as they may be most capable of an entrenchment, provided that there be reserved unto the fort for the maintenance of it, one thousand or fifteen hundred acres, at least, of ground as near adjoining thereunto as may be.

Fifthly, That for as much as this service will take him off from his own employment, the company do engage themselves to give him a just and due consideration for the same.—In witness whereof we have interchangeably hereunto subscribed our names.

W. SAY & SEAL,

ARTHUR HASSILRIG.

RICHARD SALTONSTALL,

HENRY LAWRENCE,

GEORGE FENWICK,

HENRY DARLEY.

APPOINTMENT of JOHN WINTHROP, *Junior, to be Governor of
the River CONNECTICUT.*

[Trumbull's Vindication.]

“**K**NOW all men by these presents that we Arthur Hasselrig, Bart. Sir Richard Saltonstall, Knt. Henry Lawrence, Henry Darley, and George Fenwick, Esqs; in our own names, and in the name of the right honorable Viscount Say and Seal, Robert Lord Brook, and the rest of our company, Do ordain and constitute John Winthrop, Esq; the younger, governor of the river Connecticut, with the places adjoining thereunto, for and during the space of one whole year, after his arrival there, giving him from and under us, full power and authority, to do and execute any such lawful act and thing both in respect of the place and people, as also of the affairs we have or shall have there, as to the dignity or office of a governor doth or may appertain. In witness whereof we have hereunto put our hands and seals, this 18th day of July, 1635.

ARTHUR HASSELRIG,

RICHARD SALTONSTALL,

GEORGE FENWICK

HENRY LAWRENCE,

HENRY DARLEY.”

Five seals appendant impressed in one large piece of wax.

A LIST

A LIST of the Returns from NEW NETHERLAND, now NEW-YORK.

In the year				Guilders.
1624	4000	Beavers	700 Otters	27125
1625	5295	————	463 ———	35825
1626	7258	————	857 ——— &c.	45050
1627	5934	————	130 ———	43690
	1586	————	240 ———	12730
1628	6951	————	734 ——— &c.	61075
1629	5913	————	681 ———	62185
1630	6041	————	1085 ———	68012
1632	8569	————	546 ———	94925
	4944	————	1115 ——— &c.	48200
1633	8800	————	1383 ——— &c.	91375
1635	14891	————	1413 ——— &c.	134925
				<hr/>
				725,117

COST of NEW NETHERLAND, now NEW-YORK.

THE Dutch West-India Company failed in 1634, and from a state of their accounts drawn up in 1635 (part of which was in possession of Mr. Henry Kip, late of New-York, deceased, and from which this extract was made) it appears, that

	Guilders.	Stuyvers.
Fort Amsterdam, in New Netherland cost the Company	4172	10
And that New Netherland (the Province) cost	412800	11

EXTRACT from the Will of Captain JOHN MASON.

“NOW as concerning the disposition of all and singular my Mannors, Messuages, Lands, Tenements, and hereditaments, with their and every of their rights, members and appurtenances, as well within the realm of England as elsewhere, I give, devise, and bequeath the same, and every of them, to such person and persons, upon such trusts and confidence to such uses and intents and purposes, and under such

such provisos and conditions, limitations as are hereafter expressed; that is to say, first, I give, devise, and bequeath unto the Mayor and Commonality and Corporation of the town of Kinglyn in the County of Norfolk, where I was born, by what name, title, or addition soever, the said Town or Corporation is, have been, or shall be called, known or incorporated, and to their successors forever, under the proviso or conditions nevertheless hereafter expressed, two thousand acres of land in my County of New-Hampshire, or Mafon Hall in New-England, which by my Executrix * and Overseers † aforesaid, shall be thought most fit, and the reversion and reversions, remainder and remainders, of the said two thousand acres of land and every part thereof.”—“Item, I give, devise, and bequeath unto my loving Brother-in-law, John Wollaston, and to his heirs and assigns for ever, to be holden of my heirs in fee farm, three thousand acres of land, with the appurtenances, in my County of New-Hampshire or Mannor of Mafon Hall aforesaid, where my said Brother and Executrix shall think fit.”—“I give, devise, and bequeath unto my grand child Ann Tufton, and to her heirs and assigns for ever—all those my lands, tenements, and hereditaments, with the appurtenances lying and being at Cap-ham of Wagam, upon the South East side of Sagadahock in New-England aforesaid, called Mafonia, and containing by estimation ten thousand acres, or thereabouts, be the same more or less.”—“Item, I give, devise, and bequeath unto my grand child Robert Tufton, and to his heirs and assigns forever, under the provisos and conditions nevertheless, hereafter expressed, all that my manor of Mafon Hall in New-England aforesaid, with all the lands, tenements, hereditaments, rights, members and appurtenances thereto belonging, except such part of the Land thereunto belonging as is before bequeathed by this my will and the reversion, remainder, and remainders, rents, and other yearly profits whatsoever of the same premises, to have and to hold the same [and] every part thereof, except before excepted, unto my said grand child Robert Tufton and to his heirs and assigns forever; provided always, and upon condition, nevertheless, and my true intent and meaning is, that the said Ann my wife, shall have and enjoy the said Mannor and premises given unto my said grand child Robert Tufton as aforesaid, and receive, take, and enjoy to her own proper use the rents, issues and profit thereof, until my said grandson, Robert Tufton, shall attain and accomplish his full age of one and twenty years, if my said wife shall live so long; provided also, and my further will and meaning is, and I do hereby devise and appoint, that my said grand child Robert Tufton, shall alter his surname, and surname himself Mafon, before he shall
be

* His Wife Ann Mafon.

† His Brother-in-Law John Wollaston.

be capable to enjoy the said mannor, and † promise according to this my will, for that my true intent and meaning is, that the said mannor and premises shall continue in my name as now it doth and no otherwise. Item, I give, ‡ advise, and bequeath unto my said Brother-in-law, John Wollaston, his heirs and assigns forever—two thousand acres of [land] in my County of New-Hampshire, in New-England aforesaid; where my said Brother and Executrix aforesaid shall think fit, upon trust and confidence, and to the use, intents and purposes, that my said Brother John Wollaston or his heirs, and my said wife Ann Mason, shall with all speed convenient after my decease, at the charge of my estate, in due form of law, settle and convey one thousand acres of the said land, to some feoffees in trust, and to their heirs forever, for and towards the maintenance of an honest, godly, and religious preacher of God's word, in some Church or Chapple, or other publick place appointed for Divine Worship and service within the said county of New-Hampshire, where my said wife and brother shall think fit, the said feoffees and their heirs, paying and allowing unto my heirs forever, the yearly rent of one penny, if it be demanded, and two fifth parts of all such mines and royal || as shall be found in and upon the said one thousand acres more § residue of the said two thousand acres of land, I will shall be settled or conveyed as aforesaid, to some feoffees in trust, and their heirs forever, for and towards the maintenance of a free grammar school for the education of youth, in some convenient place within the said county of New-Hampshire, where my said wife and brother-in-law shall think fit, they also paying and allowing unto my heirs forever, the yearly rent of one penny if it be demanded, and two fifth parts of all such Mines Royall as shall be found in and upon this said one thousand acres of land or any part thereof, all the rest and residue of all and singular my manners, messuages, lands, tenements and hereditaments, with their and every their appurtenances, lying and being within said county of New-Hampshire or elsewhere in New-England aforesaid, not before bequeathed by this my will, I give, devise and bequeath the same - - - unto my grand child John Tufson, and to the heirs of his body lawfully begotten, and for want of such issue, to the said Robert Tufson, or my grand child, and to the heirs of his body lawfully begotten, and for want of such issue to my cozen Dr. Robert Mason Chancellor of the Diocese of Winchester, and to the heirs male of his body lawfully begotten, or to be begotten, and for want of such issue, to my right heirs and assigns forever; provided always, and my will and meaning is, that my wife Ann Mason shall have, hold and enjoy, the said manners, messuages, lands and premises, by me given unto my grand child John Tufson as aforesaid, and receive the rents, issues and profits thereof, and of every part thereof,

† Should be *Premises*.‡ *devise*.|| Perhaps *Mines Royal*.§ Perhaps *moreover the Residue*.

of, to her own profit, use and behoof, untill my said grand child John Tufton attain to, and accomplish his full age of one and twenty years, if the said Ann my wife shall so long live, provided also, and my further will mind and meaning is, and I hereby devise and appoint that my said grand child John Tufton shall alter his surname, and shall name himself Mafon, before he shall be capable to enjoy the said manners, land, and premises, or any part thereof, according to my bequest."

[N. B. Captain Mafon's Will was dated November 26, 1635, and the copy from which the above Extracts were made, contains the whole of it, and a Certificate that it was proved by the oath of Ann Mafon, on the 22d December, 1635, but I have transcribed only the above, the remainder not being to my purpose.]

DE COMMISSIONE SPECIALI JOHANNI HARVEY, *Militi,*
pro meliori Regimine Colonie VIRGINIÆ

[Rymer, Vol. XX. P. 3. A. D. 1636.]

CHARLES, by the Grace of God, &c. To our trusty and welbeloved Sir John Harvey, Knight, and to such other person and persons as are or shall by our instructions under our sign manual be named and appointed to the office and place of Governor and Counsellors of and for our Colony and Plantation in Virginia for the time being, Greeting: Whereas Wee, by our Letters Patents under our Great Seal of England, bearing date the six-and-twentieth day of March, in the third year of our Reign, reciting as therein is recited, for the better maintenance and government of the Colony and Plantation in Virginia, did nominate and assign you the said Sir John Harvey, Knight, by the name of John Harvey, then Esquire, to be the then present Governor, and divers persons in the same Commission named to be the then present Council of and for the said Colony and Plantation in Virginia, granting unto you and them, and the greater number of you and them respectively, full power and authority to perform and execute the places, powers, and authorities, incident to a Governor and Council of Virginia respectively, as by the same our Letters Patents of Commission more at large may appear; which said Commission, and all places, powers, and authorities, matters and things whatsoever thereby granted or mentioned to be granted, Wee do to all intents and purposes fully and absolutely revoke, determine, and make void by these presents: Nevertheless, Wee being willing to give all good encouragement to that Plantation, and minding that our Colonies and People there should be regulated as well in the Ecclesiastical as Temporal Government, according to the laws and statutes of our Realm of England, which

Wee

we purpose to have established there, and being resolved not to impeach or hinder, but to promote and advance the particular interests of such of the planters there, as shall conform themselves as loyal subjects in all due obedience to our Government, and to discourage such as shall be found disturbers of the peace and impugnors of the government of the said Colonies : Know yee therefore that Wee, for the effecting of the premisses, and the better ordering, governing, and managing of the affairs of the said Colony and Plantation in Virginia, and of the persons now inhabiting, or which shall hereafter inhabit there, until wee shall find some more convenient means, upon mature advice, to give more ample directions for the same, and reposing assured trust and confidence in the understanding, care, fidelity, experience and circumspection of you the said Sir John Harvey, have nominated and assigned, and by these presents do nominate and assign you the said Sir John Harvey, to be the present governor, and you the said Sir John Harvey, and such other persons as Wee, in and by our said instructions have named and assigned, or shall hereafter name and assign, to be the present Council of and for the said Colony and Plantation in Virginia : Giving, and by these presents granting unto you and them, and the greater number of you and them respectively, full power and authority to perform and execute the places, powers, and authorities incident to a Governor and Council of Virginia respectively ; and to direct and govern, correct and punish our subjects now inhabiting or being, or which hereafter shall inhabit or be in Virginia, or in the isles, ports, harbours, creeks or territories thereof, either in time of peace or war, and to order and direct the affairs touching or concerning that Colony or plantation in those foreign parts only, and to execute and perform all and every other matters and things concerning that plantation, as fully and amply as any Governor and Council resident there, at any time within the space of ten years now last past, had or might perform or execute. And because by the discovery of industrious and well experienced men, the limits and bounds of the said Plantation may be augmented, and the trade and commerce for the maintenance of the inhabitants there from time to time residing much advanced, Our Will and Pleasure is, and Wee do by these presents give and grant unto you the said Sir John Harvey, and other the persons by Us so nominated and assigned, or hereafter to be named and assigned of Council there as aforesaid, or to any four or more of you and them, whereof the Governor for the time being to be always one, full power and authority to grant one or more Commission or Commissions, unto any of our subjects thereunto addressing themselves for the discovery of the same country and ports, bounds, limits, and extents thereof ; and also for the finding out what trades shall be most necessary to be undertaken for the benefit and advantage of the said Colony and Plantation, and the good of the people inhabiting, or which shall inhabit there both by sea and land ; and further, upon all occasions, as you and they, or any four or more of you or them, whereof the Governor for the time being to be always one, shall think fit, to send

out forces for the subducing of the *Indians* and Savages of the said country, and likewise to make War and Peace with them in all such cases as may stand with the safety of the said Colony and our Honour, keeping always sufficient forces for the hold of the places there now enjoyed; and if it shall happen you the said Sir John Harvey to die, or in case your urgent occasions, allowed by four or more of our said Council there, shall call you thence at any time, then our Pleasure is, and Wee do hereby give and grant unto the said persons by Us so named, or to be named of our Council there for the time being, or the greater number of them, full power and authority upon the death or in the absence of you the said Sir John Harvey, to elect, nominate, and assign one of our said Council, to be the present Governor for the said Colony and Plantation in Virginia, and so to do from time to time as often as the case shall so require; and Wee do by these presents, nominate and assign such person as by our said Council or the greater number of them, from time to time shall be elected and chosen to be the present Governor, and the said Governor, and the rest of our said Commissioners by our said instructions named or to be named as aforesaid, to be our present Council for the said Colony and Plantation for Virginia; giving, and by these presents granting unto you and them, and the greater number of you and them respectively, full power and authority, to execute and perform the places, powers and authorities of a Governor and Council for Virginia respectively, in manner and form aforesaid; nevertheless, our will and pleasure is, that you and they, and every of you and them from time to time proceed, as well according to such instructions as are in these presents expressed, as also according to such instructions as you or they do now, or shall hereafter receive from us, or the Lords and others of our Privy Council here; and that you and they our said Governor and Council there for the time being, shall be from time to time subordinate, subject and obedient to the Lords Commissioners and Committees here for our Plantations for the time being, touching the present Government of that Plantation, according to such orders and directions, as they from time to time shall conceive and set down: Provided always, and our express will, pleasure, and commandment is, and We do hereby give full power and authority unto you the said Sir John Harvey, and such other person as shall be Governor there for the time being, according to the true meaning of these presents, and our intention and meaning herein before declared, that upon the death or discontinuance of any of our Council there, you the said Sir John Harvey and such other person as shall be Governor there for the time being, shall give notice to us or our said Commissioners or Committees here for our Plantations, of such death or discontinuance of any of our said Council there, to the end that some other sufficient, able and discreet person or persons, may by Us or them be assigned and appointed, in the room and place of him or them so dying or discontinuing, during the continuance of this our present Commission. And our further will and pleasure is, and We do hereby give full power and authority unto you the said Sir John Harvey

and

and do also require and command, that you the said Sir John Harvey, and Richard Kemp, who have already been of the Council in those parts, for the Plantation there, and have already taken your oaths, shall minister unto the persons by Us named, or to be named, to be of our Council there as aforesaid, and every of them, the like oath upon the holy Evangelists, as you or either of you have already taken as Councillors of and for the said Colony or Plantation, willing and requiring you and them, to be diligent and attendant in the execution of this our service and commandment, and also requiring all other our loving subjects there, to be directed and governed by you and them, or the greater number of you and them, in all things according to the intention and true meaning of these presents. And lastly, our will and pleasure is, that this our Commission shall continue in force, until such time as Wee, by some other writing under our Signet, Privy Seal or Great Seal of England, shall signify our Pleasure to the contrary. In witness whereof, &c,
Witness our self at Westminster, the second Day of April.

PER IPSUM REGEM.

O R I G I N A L.

Loving Friend Gibbens,

London 10 April 1636.

WEE put into Ireland going home, and there was taken sike, and leste behind and Laye so longe before I got well, that it was the latter ende of December laste before I got to London, and Mr. Mason was ded, but I spoke with Sir Fardenando Gorges and the other owners, but they gave mee no incoradgment for New-England, I acquainted them fully of what you and I discorsed, but they were quite could in that matter. Mr. Mason being ded, and Sir Fardenando minding only his one Divityon, he teles me he is a getinga pattente first from the Kinge from Piscatequa to Sagadehocke, and that betwene Meremake and Piscatequa, he left for Mr. Mason, who if he had liued would a tooke a patent for that also, and so I suppose the affairs of Laconia is ded also: I intend to go for the Este-Indyes. A friend of mine have made mee a very good proffer, and I thinke to take up with it, which is what offers at present; thus with my kind love to you, and your wife and daughter,

I am, your louing Frend,

Directed

GEORGE VAUGHAN.

To Mr. Ambros Gibbens at Sander's Point at Piscataway River, in New-England.

A DECLARATION of the warrantable Grounds and Proceedings of
*the first Associates of the Government of NEW-PLYMOUTH, in their laying
 the first Foundations thereof: with their general Fundamentals. Printed
 at Boston, 1773.*

WHEREAS John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton and divers others, the subjects of our late Sovereign Lord James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. Did, in the eighteenth year of his reign of England, France, and Ireland; and of Scotland the fifty four, (which was in the year of our Lord God 1620) undertake a voyage into that part of America called Virginia, or New England thereunto adjoining; there to erect a Plantation and Colony of English, intending the Glory of God, the Inlargement of his Majesty's Dominions, and the special good of the English nation. And whereas, by the good providence of our gracious God, the said John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and their Associates, arrived in New England aforesaid, in the harbor of Cape Cod, or Paomet, situate and being in New England aforesaid; where all the said persons entered into a civil combination (being the eleventh of November, in the year aforementioned) as the subjects of our said Sovereign Lord the King, to become a body politic, binding ourselves to observe such laws and ordinances, and to obey such officers, as from time to time should be made and chosen for our well-ordering and guidance. And thereupon, by the favor of the Almighty, began the first Colony in New England (there being then no other within the said Continent) at a place called by the natives Apaum, alias Patuxet; but by the English, New-Plymouth. All which lands being void of inhabitants, we, that are before mentioned, and the rest of our associates, entering into a league of peace with Massasoit, since called Woosamequin, Prince, or Sachem of those parts: He the said Massasoit freely gave them all the lands adjacent to them, and their heirs forever; acknowledging himself content to become the subject of our Sovereign Lord the King aforesaid, his heirs and successors; and taking protection of us the said John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and their associates, the natural subjects of our Sovereign Lord the King aforesaid: but having no special letters patents for the said parts of New England; but only the general leave and liking of his Majesty aforesaid, for the free exercise of the liberty of our consciences in the public worship and service of God, wherever we should settle. Being therefore now settled, and desiring and requesting

questing special licence and commission from his Majesty, for the ordering our affairs under his gracious protection, had sundry commissions made and confirmed by his said Majesty's Council for New England, to John Pierce and his associates (whose name we only made use of, and whose associates we were) in the late happy and memorable reign of our said Sovereign Lord King James : But finding ourselves still straitened, and a willingness in the honourable Council aforesaid, to enlarge us ; partly in regard of the many difficulties we had undergone, and partly in regard of the good service done, as well in relieving his Majesty's subjects as otherways : We procured a further enlargement, under the name of William Bradford aforesaid, and his associates ; whose names we likewise used (and whose associates as formerly we still are) by virtue of which letters patents, liberty is given unto us, derivatory from our Sovereign Lord King Charles, bearing date the thirteenth of January 1629, being the first year of his reign of England, Scotland, France, and Ireland ; and signed by the right honorable Robert Earl of Warwick, in behalf of the rest of his Majesty's said Council for New England, and sealed with their common seal, allowed to frame and make orders, ordinances, and constitutions, for the ordering, disposing, and governing of our persons, and distributing the lands, within the said limits ; to be holden of his Majesty, his heirs, and successors, as of his manor of East-Greenwich, in the county of Kent, in free and common soccage, and not in capite, nor by knight's service, viz. All that part of New-England in America, and tract and tracts of lands that lie within or between a certain rivulet or runlet there, commonly called Coahasset alias Conahasset, towards the north, and the river commonly called Narrhaganfet river, towards the south ; and the great western ocean towards the east, and between and within a straight line directly extending up into the main land towards the west, from the mouth of the said river, called Narrhaganfett river to the outmost limits and bounds of a country or place in New England, commonly called Pokenacut, alias Puckenakick, alias Sawaamfet westward ; and another straight line extending itself directly from the mouth of the said river called Coahasset, alias Conahasset, towards the west, so far up into the main land westward as the outmost limits of the said place or country commonly called Pokenacut, alias Puckenakick, alias Sawaamfet do extend ; together with one half of the said river called Narrhaganfet, and the said rivulet or runlet called Coahasset, alias Conahasset, and all lands, rivers, waters, havens, creeks, ports, fishings, fowlings, and all hereditameuts, profits, commodities, and emoluments whatsoever, situate, lying and being, or arising within and between the said limits, or bounds, or any of them.

Furthermore, all that tract of land, or part of New England, or part of America aforesaid, which lieth within or between, and extendeth itself from the outmost limits of Cobbisecontee, alias Comaseconte, which adjoineth to the river of Kennebeck, alias Kennebekike towards the western ocean, and a place called the Falls at

Nequamkik

Nequamlike in America aforesaid, and the space of fifteen English miles on each side the said river commonly called Kennebeck river: And all the said river called Kennebeck, that lieth within the said limits and bounds eastward, westward, northward, or southward last above mentioned; and all lands, grounds, soils, rivers, waters, fishings, hereditaments and profits whatsoever, situate, lying and being, arising, happening or accruing, or which shall arise happen or accrue in or within the said limits or bounds, or either of them; together with free ingress, egress, and regress with ships, boats, shallops, and other vessels from the sea, commonly called the western ocean, to the said river called Kenebeck, and from the said river to the said western ocean, together with all Prerogatives, Rights, Royalties, Jurisdictions, Privileges, Franchises, Liberties and Immunities: And also marine liberty with the escheats and casualties thereof (the admiralty Jurisdiction excepted) with all the Interest, right, title, claim and demands whatsoever, which the said Council and their successors now have or ought to have, or may have and acquire hereafter, in or to any of the said portion or tract of lands hereby mentioned to be granted, or any the premises, in as free, large, ample, and beneficial manner, to all intents, constructions and purposes whatsoever, as the said Council by virtue of his Majesty's said letters patents, may or can grant. To have and to hold the said tract and tracts of land, and all and singular the premises above mentioned, to be granted with their and every of their appurtenances to the said William Bradford, his heirs, associates, and assigns, for ever; to the only proper and absolute use and behoof of the said William Bradford, his heirs, and associates, and assigns, for ever: Yielding and paying unto our said Sovereign Lord the King, his heirs and successors, for ever, one fifth part of the oar of the mines of gold and silver; and one other fifth part thereof to the President and Council, which shall be had, possessed, and obtained within the precincts aforesaid, for all services and demands whatsoever; allowing the said William Bradford, his associates, and assignees, and every of them, his and their factors, agents, tenants, and servants, and all such as he or they shall send and employ about his said particular plantation; shall and may from time to time, freely and lawfully go and return, trade and traffick, as well with the English as any of the natives within the precincts aforesaid; with liberty of fishing upon any part of the sea-coast, and sea-shores of any of the seas or islands adjacent, and not being inhabited, or otherwise disposed of by order of the said President and Council, forbidding all others to traffick with the natives, or inhabit any the said limits, without the special leave of the said William Bradford, his heirs, or associates; and allowing the said William Bradford, his heirs, and associates, to take, apprehend, seize and make price of all such persons, their ships and goods as shall attempt to inhabit or trade with the salvage people, as aforesaid, &c.

Moreover,

Moreover, whereas in the first beginning of this Colony, divers merchants and others of the city of London, and elsewhere, adventured divers sums of money with the aforefaid John Carver, William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and the rest of their associates, on certain terms of partnership, to continue for the term of seven years. The said term being expired, the Plantation, by reason of the manifold losses and crosses, by sea and land, in the beginning of so great a work, being largely indebted, and no means to pay the said debts but by the sale of the whole; and the same being put to sale, We the said William Bradford, Edward Winslow, William Brewster, Isaac Allerton, and other our associates, the inhabitants of New-Plymouth, and elsewhere, being loth to be deprived of our labours, bought the same, for, and in consideration of eighteen hundred pounds sterling, with all, and singular the privileges, lands, goods, buildings, chattels, ordinance, munition, or whatsoever appertained to the said Plantation or to the adventurers thereunto belonging; as appeareth by a deed between the said Isaac Allerton, then agent for the said William Bradford, and his associates, on the one part, and John Pocock, Robert Keyn, Edward Basse, James Sherly, and John Beauchamp, on the other part; being thereunto deputed by the said merchants, and the rest adventuring as aforefaid; as appeareth by a deed, bearing date November 6th, in the third year of the reign of our Sovereign Lord Charles, by the grace of God, King of England, Scotland, France, and Ireland, &c. Anno Dom. 1627. Be it known therefore unto all men, by these presents, that according to our first intents, for the better effecting the glory of God, the enlargement of the dominions of our said Sovereign Lord the King, and the special good of his subjects; by virtue as well of our combination aforefaid, as also the several grants by us procured in the names of John Pierce and William Bradford, their heirs, and associates; together with our lawful right, in respect of vacancy, donation, or purchase of the natives, and our full purchase of the adventurers before expressed; have given unto, allotted, assigned, and granted to all and every person or persons, whose name or names shall follow upon this public record, such proportion or proportions of grounds, with all and singular the privileges thereto belonging, as aforefaid, to him or them, his or their heirs and assigns successively for ever; to be holden of his Majesty of England, his heirs and successors, as of his manor of East-Greenwich, in the county of Kent; in free and common soccage, and not in capite, nor by knight's service; yielding and paying to our said Sovereign Lord the King, his heirs and successors for ever, one fifth part of the oar of the mines of gold and silver; and one other fifth part to the President and Council, which shall be had, possessed and obtained, as aforefaid. And whatsoever lands are or shall be granted to any by the said William Bradford, Edward Winslow, William Brewster, Isaac Allerton, their heirs or associates as aforefaid; being acknowledged in public court, and brought to the public records of the

the

the several inheritances of the subjects of our Sovereign Lord the King, within this government; it shall be lawful for the governor of New-Plymouth aforesaid, from time to time successively, to give under the common seal of the government a copy of the said grant so recorded; confirming the said lands to him or them, his or their heirs and assigns for ever; with the several bounds and limits of the same, which shall be sufficient evidence in law from time to time, and at all times, for the said party or parties, his or their heirs or assigns; to have and to hold the said portion of land so granted, bounded and recorded as aforesaid; with all and singular the appurtenances thereto belonging, to the only proper use and behoof of the said party or parties, his or their heirs and assigns for ever.

The GENERAL FUNDAMENTALS, published Anno Domini 1636.

1. WEE the associates of the Colony of New-Plymouth, coming hither as free born subjects of the kingdom of England, endowed with all and singular the privileges belonging to such: Being assembled,

Do enact, ordain and constitute; that no act, imposition, law or ordinance be made or imposed upon us at present, or to come, but such as shall be enacted by consent of the body of freemen or associates, or their representatives legally assembled; which is according to the free liberties of the free born people of England.

2. And for the well governing this Colony: It is also resolved and ordered, that there be a free election annually of Governor, Deputy Governor and assistance, by the vote of the freemen of this corporation.

3. It is also enacted, that justice and right be equally and impartially administered unto all, not sold, denied or causelessly deferred unto any.

4. It is also enacted, that no person in this government shall suffer or be indamaged, in respect of life, limb, liberty, good name or estate, under color of law, or countenance of authority, but by virtue or equity of some express law of the general court of this Colony, or the good and equitable laws of our Nation, suitable for us, in matters which are of a civil nature (as by the court here hath been accustomed) wherein we have no particular law of our own. And that none shall suffer as aforesaid, without being brought to answer by due course and process of Law.

5. And that all cases, whether capital, criminal, or between man and man, be tried by a jury of twelve good and lawful men, according to the commendable custom of England, except where some express law doth refer it to the judgment of some other judge or inferior court where jury is not; in which case also any party aggrieved, may appeal and have trial by a jury.

And it shall be in the liberty of any person, that is to be tried by a jury to challenge any of the jurors, and if the challenge be found just and reasonable by the bench, it shall be allowed; and others without just exception shall be impanelled in their room: And if it be in case of life and death, the prisoner shall have liberty (according to the law of England) to except against twenty of the jury without giving any reason for the same.

6. That no person shall be cast, condemned or sentenced in any case capital, civil or criminal without the testimony of two sufficient witnesses, or other sufficient evidence, or circumstances equivalent thereunto, unless in any particular case the law hath otherwise provided.

7. And it is enacted; being the privilege of our charter; that all persons of the age of 21 years, of right understanding and memory, whether excommunicated, condemned or other, having any estate properly theirs to dispose of, shall have full power and liberty to make their reasonable wills and testaments, and other lawful alienations of their lands and estates; be it only here excepted, That such as are sentenced for treason against the King's Majesty, or realm of England, or other capital crimes, shall forfeit to the King or Colony, for the carrying on the charge of government, their personal estate: Their lands and real estate being still at their disposal.

8. That whereas the great and known end of the first *comers* in the year of our Lord 1620, leaving their native country, and all that was dear to them there; transporting of themselves over the vast ocean, into this remote waste wilderness, and therein willingly conflicting with dangers, losses, hardships and distresses, force, and not a few, was, that without offence, they, under the protection of their native Prince, together with the enlargement of his Majesty's dominion, might, with the liberty of a good conscience enjoy the pure scriptural worship of God, without the mixture of humane inventions and impositions; and that their children after them might walk in the holy ways of the Lord: And for which end they obtained leave from King James (of happy memory) and his honorable Council; with farther grants from his gracious Majesty Charles I. and his honourable Council, by letters patents for fundry tracts of land, with many privileges therein contained for their better encouragement to proceed on in so pious a work, which may especially tend to the propagation of religion, &c. as by letters patents more at large appeareth; with further assurance also of the continuance of our liberties and privileges, both civil and religious, under the royal hand and seal of our Sovereign Lord King Charles II. And whereas by the good hand of our God upon us, many others since the first comers, are for the same end come unto us, and fundry others rise up amongst us, desirous with all good conscience to walk in the faith and order of the gospel, whereby there are many churches gathered amongst us, walking according thereunto: And whereas (by the Grace of God) we have now had above 60 years experience

rience of the good consistency of these churches, with loyalty to our Prince, civil peace and order, and also with spiritual edification, together with the welfare and tranquillity of the government.

It is therefore for the honour of God and the propagation of religion, and the continued welfare of this colony, ordered by this court and the authority thereof, that the said churches already gathered, or that shall be orderly gathered, may and shall from time to time by this government be protected and incouraged in their peaceable and orderly walking, and the faithful, able, orthodox-teaching ministry thereof, duly incouraged and provided for; together with such other orthodox able dispensers of the gospel, which shall or may be placed in any township in this government, where there is or may be defect of church order.

9. And finally, it is ordered and declared by this court, and the authority thereof, that all these foregoing orders and constitutions are so fundamentally essential to the just rights, liberties, common goods, and special end of this Colony, as that they shall and ought to be inviolably preserved.

APPOINTMENT of a Committee to revise the Laws of PLYMOUTH COLONY.

[New-Plymouth Records.]

WYNSLOW GOVERNOR.

AT a general Court held the fourth and fifth of October, 1636; the ordinances of the Colony and Corporation being read, divers were found worthy the reforming, others the rejecting, and others fit to be instituted and made: It was therefore ordered and agreed, that fowr for the towne of Plymouth, two for Scituate, and two for Duxburrow, should as Committees for the whole be added to the Governor and assistants, to rectifie and prepare such as should be thought most convenient, that if approved they may be put in force the next general Court. The parties menconed for the towne of Plymouth, Mr. Will Brewster, Mr. Raph Smith, John Done, and John Jenney: For Duxburrow, Mr. Jonath. Brewster, and Christopher Wadsworth: For Scituate, Anthony Annable, and James Cudworth, all which to repaire to the Governor and Assistants at Plymouth aforesaid, the 15th of November next ensuing, and there continue their appearance till such time as the premisses be determined.

NEW.

NEW-PLYMOUTH, *November 15. 1636.*

[Plymouth Records.]

WHEREAS at his Majesties Court held the of October in the 12th year of the raigne of our Lord Charles, by the grace of God Kinge of Scotland, France and Ireland, Defender of the faith ordered that Mr. William Brewster, Mr. Smith, Mr. John Done, and John Jenny for the of Plymouth, Jonathan Brewster, and Christopher Wadsworth for Duxburrow; and James Cud, and Anthony Annable for Scituate, should be to the Governor and Assistants as Committees for the whole body of this common weale, should meet together the 15th of November at Plymouth abovementioned, and there peruse all the Laws, Orders, and Constitucons of the Plantations within the Government, that so those that are still fitting be established, those that time hath made necessary might be rejected, and others th wanting might be prepared, that so the Court they might be established.

Now being assembled according to the said and having read the combination made at Cod the 11 of November, 1620, in the year of raigne of our late Sovereign Lord, King James of England Irel, the eighteenth, and of Scotland the fifty as also our Letters Patents confirmed by honorable Councill his said Majesty established and the 13th of January 1629, in the fift year of the raigne of our Sovereign Lord King Charles, and finding that as freeborne subjects of the state of England, we hither came indewed and singular the priviledges belonging to such, in first place we think good that it be established for an act according to the and due privilege of the subjects aforesaid inposition, law or ordinance be made or imposed upon present or to come, but such as shall be made imposed by consent, according to the free liberties state and kingdome of England, and no otherwise.

That whereas before expressed we finde a solemne and binding combination, as also Letters Patents, derivatory from his Majesty of England, our dread Sovereign, for the ordering of a body politick, within the severall limits of this Patent, viz. from Cowahassett to the utmost of Puckanokick ward and all that of land southward erne ocean gular lands havens waters eeks, ports, fishings owlings, &c. By virtue whereof we ordaine, institute and appoint, the first Tuesday in March, every yeare, for the election of such officers as shall be thought meet, for the guiding and government of this corporacon.

That at the day and time appointed, a Governor and seaven Assistants be chosen to rule and govern the said Plantacons within the said limits for one whole yeare and no more. And this eleccion to be made onely by the free men, according to the former custome; and that then also Constables for each part, and other inferior officers be also chosen.

That in every eleccion some one of the Assistants, or some other sufficient person be chosen Treasurer for the yeare present, whose place it shall be to demand and receive in whatsoever sum or sums shall appertaine to the royalty of the place, either coming in by way of fine, amerciamment or otherwise; and shall improve the same for the publick benefit of this corporacon, by order of the Governor; as also to give a just account thereof to the ensuing Treasurer, and to the Governor whenever he shall demand it, in case refused to pay five pounds.

That a Clarke of the Court also be chosen for the yeare.

That also one be chosen to the office of Coroner, to be executed as neere as may be to the laws and practise of the kingdome of England, and to continue one yeare.

The Office of the Governor.

The office of the Governor for the time being consisteth in the execution of such laws and ordinances as are or shall be made and established for the good of this Corporacon, according to the severall bownds and limitts thereof, viz. in calling together, or advising with the Assistants or Councell of the said Corporation, vpon such materiall occasions (or so seeming to him) as time shall bring forth. In which Assembly, and all other, the Governor to propound the occasion of the Assembly, and have a double voice therein. If the Assistants judge the case too great to be decided by them, and refer it to the General Court, then the Governor to summon a Court by warning all the freemen aforesaid, that are then extant, and there also to propound causes and goe before the Assistants in the examination of particulars, and to propound such sentence as shall be determined. Further it shall be lawful for him to arrest and comit to ward any offenders; provided that, with all convenient speed, he shall bring the cause to hearing, either of the Assistants or General Court, according to the nature of the offence: Also it shall be lawfull for him to examine any suspicious persons for evil against the Colony, as also to intercept or open such letters as he conceiveth may tend to the overthrow of the same. And that this office continue one whole yeare, and no more, without renewing by eleccion.

The

The Office of an Assistant.

The office of an Assistant for the time being, consisteth in appearing at the Governors summons, and in giving his best advise, both in public Court and private Councell, with the Governor, for the good of the Colonies, within the limits of this Government: Not to disclose but keep secret such things as concerne the publick good, and shall be thought meet to be concealed by the Governor and Councell of Assistants. In having a speciall hand in the examination of publick offenders, and in contriving the affairs of the Colony. To have a voice in the censuring of such offenders as shall not be brought to publick Court. That if the Governor have occasion to be absent from the Colony for a short time, by the Governor with the consent of the rest of the Assistants, he may be deputed to governe in the absence of the Governor. Also it shall be lawfull for him to examine and comit to ward, where any occasion ariseth, where the Governor is absent; provided the person be brought to further hearing with all convenient speede, before the Governor or the rest of the Assistants. Also it shall be lawfull for him, in his Majesties name, to direct his warrant, to any Constable within the Government, who ought faithfully to execute the same, according to the nature and tenure thereof; and may binde over persons for matters of crime, to answer att the next ensuing Court of his Majesty after the fact committed, or the person apprehended.

That the annuall elecon of officers before expressed, be at a general Court held in his Majesties name of England. And that the Governor in due season, by warrant directed to the severall constables in his Majesties name aforesaid, give warning to the freemen, to make their appearance. And that all other our courts, warrants, summons, or comands by way of justice, be all done, directed and made in the name of his Majesty of England aforesaid, our dread Sovereigne.

And for default in case of appearance at the elecon before menconed, without due excuse each delinquent to be amerced in 3*s*.

That if at any time, any shall be elected to the office of Governor, and will not hold according to the elecon, that then he be amerced in 20*lb*. starling fine.

That if any elected to the office of assistant, refuse to hold according to elecon, that then he be amerced in ten pounds starling fine.

That in case one and the same person should be elected Governor a second yeare, having held the place the foregoing yeare, it should be lawfull for him to refuse without any amercement, unles they can prevail by entreaty.

That the Government, viz. The Courts be held at Plymouth, and that the Governor hold his dwelling there this present yeare.

That a great quest be pannelled by the Governor, and warned to serve the King
by

by enquiring into the abuses and breaches of such wholesome lawes and ordinances as tend to the preservacon of the peace and good of the subject; and that they present such to the Court, as they either finde guilty or probably suspect, that such may be prosecuted by the Governor by all due meanes.

That in every Constablerick, there be a paire of stocks erected, also a cage which shall be of competent strength to detaine a prisoner, and these erected in such place as shall be thought meet by the severall neighbourhoods where they concerne.

That the Constable see the highwaies for man and beast bee made and kept in convenient repaire; and therefore be also appointed surveighor for the liberty he is chofen.

That two surveighors in each constablerick be chofen every yeare, to see that the highwaies be mended competently. And if it fall out that a way be wanting, upon due complaint that then the Governor pannell a jewry, and upon oath charge them to lay out such way as in conscience they find most beneficiall for the comon weale, and as little prejudice as may be to the particulars,

That it be lawful for the Governor as well to pannell such the Kinges subjects of good report, that are freeholders, and no freemen upon jewry, to doe service to his Majesty, as well as such as have taken up their freedome if thought convenient.

That the lawes and ordinances of the Colony, and for the Government of the same, be made onely by the freemen of the corporacon, and no other; provided that in such rates and taxacons as are or shall be laid vpon the whole, they be without partiallity, so as the freeman be not spared for his freedome, but the levy be equall. And in case any man finde himselfe aggrieved, that his complaint may be heard and redressed if due cause.

That an oath of allegiance to the King, and fidelity to the Government and the severall Colonies therein, be taken of every person that shall live within or under the same.

That all trialls whether capitall, or between man and man, be tried by jewries, according to the presidents of the law of England, as near as may be.

That the Governor and two Assistants at the least, shall as occasion shall be offered in time convenient, determine in such trivial cases, viz. under forty shillings between man and man, as shall come before them, as also in offences of small nature shall determine, doe, and execute as in wisdom God shall direct them.

Capitall Offences lyable to Death.

Treason or rebellion against the person of the Kinge, state, or Comonwealth, either of England or these Colonies

Willfull murder.

Solemn

Solemn compaction or converſing with the divell by way of witchcraft, conjuration or the like.

Willfull and purpoſed burning of ſhips, howſes.

Sodomy, rapes, buggery.

Adultery, fornication, and other uncleane carriages, to be puniſhed at the diſcretion of the majeſtrates, according to the nature thereof.

The ſtealing, or attempting to ſteale ſhips, boats, municon, or otherwiſe of that nature, to be puniſhed according to the determinacon of the majeſtrates.

That all ſales, exchanges, gifts, morgages, leaſes, or other conveyance of houſes and lands, the ſale to be acknowledged before the Governor, and comitted to publick record.

That every mans marke of his cattle be brought to the towne booke where he lives, and that no man give the ſame, but ſhall alter any other bought by him, and put his own upon them.

Inheritance to deſcend according to the comendable cuſtome of England, and hold of Eſt Greenwich.

If the huſband die, the wife to have a third part of his lands during life; and if he die without will, to have alſo a 3d of his goods, but by will may wholly be diſpoſed of by the huſband as he pleaſe.

One common ſtandard to be uſed by all for weight and meaſure; and that according to Wincheſter, which is the ſtandard of England.

No warre nor league of peace to be made by any particular perſon or perſons, but ſuch as ſhall be agreed and determined in and by a general Court, except in ſuch caſe of eminent danger as a Court cannot be called or ſumoned.

That in caſe neceſſity require to ſend forces abroade, and there be not volunteers ſufficient offered for the ſervice, then it be lawfull to preſſe in his Majeſties name.

That concerning miſdemeanours, as any ſhall be convicted in Court of any particular to be cenſured by the bench, according to the nature of the offence, as God ſhall direct them.

That none be allowed to marry, that are under the covert of parents, but by their conſent and approbacion; but in caſe conſent cannot be had, then it ſhall be with the conſent of the Governor, or ſome aſſiſtant, to whom the perſons are knowne, whoſe care it ſhall be to ſee the marriage be fit before it be allowed by him; and after approbacion be three ſeveral times publiſhed before the ſolemnizing of it.

That all ſuch as depart any of his Majeſties Courts, before they be diſmiſſed without due leave be amerced in three ſhillings.

That no man make ſale or ſell out of the Colony of any kind of boards, plank, or timber, that hath been growing in any the ſwampes that are reſerved for publick uſe without leave, but ſhall onely ſo doe of ſuch as ariſe out of his owne proper ground.

That

That every person for himselfe shall according to Jan. 2d 1632, have peece, powder, and shot, viz. a sufficient musket, or other serviceable peece for war, with bandeleroes, sword and other appurtenances for himself and each man servant he keepeth able to beare armes. And that for himself and each such person under him, he be at all times furnished with two pounds of powder, and ten pounds of bullets, and for every default to forfeit ten shillings.

That no Sheepe be sould out of the Colonys if competent price will be heere given for them.

It is further enacted, that whereas formerly a small moyety of land was allotted to each family for their convenient subsistence in the towne of Plymouth, viz. to each person an acre, and that now the said acres lie void, the ancient inhabitants being for the most part removed from thence, insomuch that as formerly they were the meanes of subsisting in towne, now the propriety of persons in them elsewhere seated hinder others from coming into the towne; by which means the said towne is like to be dispeopled. It was therefore agreed upon by the mutuall consent of the people (two persons onely excepted) that all and every such person and persons should and did surrender and cast up their right in the said acres, that they may be disposed of to such as doe or shall inhabite the said towne of New-Plymouth, as also other the wast grownds about the said towne, by such an orderly and equall course as shall be thought meet by the Governor and Councell: And that the said governor and his Assistants thinke of some equal course to satisfy such as have purchased any, and the persons not able to make satisfaccion.

That whereas God by his Providence hath cast the fish called ale-wives or herrings in the midst of the towne of New-Plymouth, and that the grownd thereabout hath been worne out by the whole to the damage of those that inhabite the same, it is therefore enacted, that the said herrings, ale-wives or shadds comonly used in the setting of corne, be appropriated to such as doe or shall inhabite the towne of Plymouth aforesaid; and that no other have any right or propriety in the same, save only for bait for fishing, and that by such an orderly course as shall be thought meet by the Governor and Assistants.

That the wills and testaments of such as die be proved orderly before the Governor and Assistants within one moneth after the decease of the testator; and that a full inventory, duly valued, be presented with the same, before letters of administraction be granted to any of all the goods and chattells of the said persons; also if in case any man die without will, his goods be by his wife, or other neereest to him, inventoried and duly valued and presented to the Governor and Assistants within one moneth after the decease of the said person so dying, and if it be a single person without kindred here resident, that then the Governor appoint some to take a just inventory of the same, and to present the same upon oath to be true and just as in other the cases before menconed.

That

That in case it fall out that any die more indebted then their Estates of Goods and Chattells amount unto, if the person so deceased have bought any lands in his lifetime to the impaying of his estate otherwise, that the land so bought be sold to make satisfaccion to the creditors. But whereas a porcion is disposed of to each for the subsistence of him or herselfe and family, that such lands remaine to the survivors, his or her heires, &c. no seizure being allowed the Creditors in that case.

That whatsoever damage comes to any by cows, goats, mares, sheepe, or any of those kindes by coming into their corne or gardens be made good by the owners of the said cattle, as it shall be valued by two of the neighbours. And that it shall be lawfull upon such trespassse, to impound the cattle trespassing till due satisfaccion be made.

That no man keepe more swine than he can ordinarily keepe about his own place, and that they be doubly rung, or at least sufficiently wrung, that they roote not up and destroy the meadows, &c. Also that from the middle of June to the last of September they be kept sufficiently yoked; and if in case any be found off the grounds of the owner, either unyoked as before, or unwrung, the owner for every such default to forfeit for every Swine five shillings for every weeke any shall be unwrung: And if in case any shall finde himselfe aggrieved and require the yoking of any unruly swine by reason of damage he is like to sustaine, then to forfeit for every such default per week, besides the damage, five shillings; and the one halfe of these fines to come to the party so finding and discovering them, the other to the towneship to whom it belongs and the owner belongs. Also if in case any be found unwrung (or unyoked after notice as before) then to forfeit upon discovery of it, for every swine 2s. and for every weeke after any shall so continue five shillings, the one halfe to come to the person so finding and discovering them, the other to the township to which the owner belongs: Also that all piggs at or before ten weekes old, shall be rung: And upon sufficient notice to the next justice of the peace, he to grant warrant to the constable to straine any of these fines.

That whereas as well the lands within this patent as the municon, &c. was bought by way of purchase of diverse the inhabitants of New-Plymouth, and that the said purchasers are possessed but of small proporcons of land, and many of them meane, it is therefore thought meet, that the said purchasers shall hold and have reserved for themselves and their heirs, so much land in such place and places as they shall judge meet and convenient for themselves and their heirs aforesaid.

That such children as are heer borne, and next unto them such as are heer brought up under their parents, and are come to age of discretion allowed, and want lands for their accomodacon, be provided for in place convenient before any that either come from England or elsewhere, then to seek as they are.

That place and places convenient reserved for the said purchasers and their heirs.

They surrender the remainder of the lands to be disposed of within the limits of the Letters patent, dated _____ to W. B. and his Associates to the Government, it consisting of the Magistrates and Freemen of this Corporacon.

That fishing, fowling, hawking, hunting be freely allowed; provided if any damage come to any particular by the profecucion of such game, restitucon be made or the case actionable. But if any man desire to improve a place and stock it with fish of any kind for his private use, it shall be lawfull for the Court to make such a grant, and forbid all others to make use of it.

That every Constablerick have a sufficient pound to imprison cattle that shall transgresse any such orders as are or shall be made.

That no man doe heard either his owne cattle or other mens, to the prejudice of any at or neere his or their house upon their lands, but upon due notice and warning shall reforme it, or the case be actionable.

That whoever shall kill a wolfe, and make it sufficiently knowne to the Governor, or some Assistant, shall have fowr bushell of corne, to be rayfed of the Constablerick or liberties.

That whatever damage come to any by cowes, goats, mares, sheepe or hoggs, by breaking into mens sufficient enclosures, it shall be lawful for the persons so damaged to impownd them, and two indifferent men to view the damage, which accordingly shall be given.

That no guns or iron traps be sett, unles in particular inclosures, and that not neere any highway.

That no servant coming out of his time or other single person be suffered to keepe howse, or to be for him or themselves, till such time as hee or they be competently provided of armes and municon according to the order of the Colonies. And that if any such be yet wanting they be provided as aforesaid, or else provide themselves such masters as may provide for them; and that to be done forthwith upon due warning.

That none be suffered to retale wine, strong water or beere, and suffer the same to be drunke in their howse, except in inns or victualling howses allowed; that wine and strong water be not ordinarily drawne but to strangers for their comfort and refreshment; and that no beere be sold in any place to exceed in price two-pence the Winchester quart.

That such as either drinke drunke in their persons, or suffer any to drinke drunke in their howse, be enquired into amongst other misdemeanors, and accordingly punished or fined, or both, by the discrecon of the bench.

That the children and servants of such as dwell neere any victualling howse, be not entertained or suffered by the master of the said howse there to drinke and spend their
time

time, but if any such thing can be proved, it be esteemed a misdemeanor punishable on the said victualler, and to be enquired into.

That such servants as come out of their times, and are by their covenants to have lands, have onely five acres a peece at present, and that if they be found fit to occupie it for themselves in some convenient place.

That none be allowed to be howse keepers, or build any cottages or dwelling howses, till such time as they be allowed by the Governor or some one or more of the Councell of Assistants.

That from this time forward, whoever shall covenant to give lands by iudenture to their servants, at the expiracon of their service, shall make good the same out of their proper lands, the Government being free from any such covenant; and therefore not to be expected.

That the towne of Plymouth, with the purchasers and freemen, have liberty of themselves to dispose of the lands that are or shall belong unto them, to such they thinke meet to receive in unto them; and also to make such orders for their convenient and more comfortable subsistence as shall by them be thought most meet and convenient; provided they be not contrary to the publick ordnances of the Government.

That Scituate be allowed the like liberties, and to dispose of the grownds between the North River and Cowahasset, provided they have recourse to Plymouth in case of justice.

That whereas lands are given and granted to persons upon supposall of their living upon them, for the maintenance and strength of society, if it fall out that persons shall not occupie any such lands, but depart from the same place, such former grant or grants be of none effect, but shall return and be otherwise disposed of by the Government in generall, or township in particular, as it shall fall out.

That it be in the power of the Governor and Assistants, to comand solemn daies of humiliacion, by fasting, &c. and also for thanksgiving as occasion shall be offered.

That all such misdemeanors of any person or persons, as tend to the hurt and detriment of society, civility, peace, and neighbourhood be-enquired into by the Grand Enquest, and the persons presented to the Court, that so the disturbers thereof may be punished, and the peace and welfare of the subject comfortably preserved.

A WARRANT to the Lord Admiral to stop unconformable Ministers
from going beyond Sea.

[Rushworth, 2d Part, Vol. II. Page 410. Anno 1636.]

* **W**HEREAS it is observed, that such *Ministers who are unconformable* to the Discipline and Ceremonies of the Church, have and do frequently *transport themselves to the Summer Islands*, and other his Majesties Plantations abroad, where they take liberty to nourish and preserve their factious and schismatical humours, to the seducing and abusing of his Majesties subjects, and the hindrance of that good conformity and unity in the Church which his Majesty is careful and desirous to establish throughout his dominions: We are therefore in his Majesty's name, and by his expresse command, to pray and require your Lordship, to take present and strict order that no *Clergyman*, be henceforth suffered to go over into the *Summer Islands*, but such only as shall have approbation on that behalf from our very good Lords, the Lord Archbishop of *Canterbury* his grace, and the Lord Bishop of *London*. And for all such of them as are already gone thither without such approbation, that you cause them forthwith to be remanded back hither.

EXTRACT from RUSHWORTH.

[Ibid.]

THE severe censures in *Star Chamber*, and the greatness of the fines, and the rigorous proceedings to impose ceremonies, the suspending and silencing multitudes of Ministers, for not reading in the church the Book for Sports to be exercised on the Lord's Day, caused many of the nation, both ministers and others, to sell their estates, and to set sail for New England, (a late Plantation in America) where they hold a Plantation by Patent from the King.

* Another copy of this is published in the same volume of Rushworth, page 721, and dated August 19. 1638.

A PROCLAMATION *against the disorderly transporting his MAJESTY'S Subjects to the Plantations within the Parts of AMERICA.*

[Rymer, Vol. XX. P. 143. A. D. 1637.]

THE King's most Excellent Majesty being informed that great numbers of his Subjects have been, and are every year transported into those parts of America, which have been granted by Patent to several Persons, and there settle themselves, some of them with their families and whole estates, amongst which numbers, there are also many idle and refractory Humours, whose only or principal end is, to live as much as they can without the reach of authority: His Majesty having taken the premises into consideration, is minded to restrain for the time to come, such promiscuous and disorderly departing out of the realm, and doth therefore straightly charge and command, all and every the Officers and Ministers of his several ports in England, Wales, and Berwick, that they do not hereafter permit or suffer any persons, being subsidy men, or of the value of subsidy men, to imbarque themselves in any the said ports or the members thereof, for any of the said Plantations, without licence from his Majesty's Commissioners for Plantations, first had and obtained in that behalf, nor that they admit to be imbarqued any persons under the degree or value of subsidy men, without an attestation or certificate from two justices of the peace, living next the place where the party last of all or lately then before dwelt, that he hath taken the oaths of supremacy and allegiance, and like testimony from the minister of the parish of his conversation and conformity to the orders and discipline of the church of England. And further his Majesty's express will and pleasure is, that the officers and ministers of his said several ports and the members thereof, do return to his Majesty's said Commissioners for Plantations every half year, a particular and perfect list of the names and qualities of all such persons, as shall from time to time be imbarqued in any of the said ports for any of the said Plantations; and of these his Majesty's Royal Commands, all the officers and ministers of the said ports, and the members thereof, are to take care, as they will answer the neglect thereof at their perils. Given at our Court at Whitehall, the last day of April.

PER IPSUM REGEM.

ORDER

ORDER of the COUNCIL, May 1. 1638.

[Rushworth's Collections.]

“ **T**HE Privy Council made another Order, for reasons importing the state
 “ best known to themselves, ‘ That the Lord Treasurer of England shall
 “ take speedy and effectual course for the stay of eight ships now in the River of
 “ Thames, prepared to go for New England, and shall likewise give order for the
 “ putting on land all the passengers and provisions therein intended for that voy-
 “ age. And some days after his Majesty and the Board, taking into Considera-
 “ tion the frequent resort into New England of divers persons ill affected to the re-
 “ ligion established in the Church of England, and to the good and peaceable go-
 “ vernment of this state; howbeit, upon the humble petition of the merchants,
 “ passengers, and owners of the ships now bound for New England, and upon the
 “ reasons by them represented to the Board, his Majesty was then graciously pleased
 “ to free them from the late restraint to proceed in their intended voyage. Ne-
 “ vertheles his Majesty knowing the factious disposition of a great part of the peo-
 “ ple of that Plantation, and how unfit and unworthy they are of any support or
 “ countenance from hence in respect of the great disorders and want of government
 “ among them, whereof sundry and great complaints have been presented to the
 “ Board, and made appear to be true, by those that being well-affected both for
 “ religion and government, have suffered much loss in their estates by the unruly
 “ factious party, did think fit and order, That Mr. Attorney-General shall forth-
 “ with draw up a Proclamation expressing his Majesty’s royal pleasure to prohibit all
 “ merchants, masters, and owners of ships, henceforward to set forth any ship or
 “ ships with passengers for New England, till they have first obtained special Li-
 “ cence on that Behalf, from such of the Lords of his Majesty’s most honourable
 “ Privy Council, as are appointed for the businesses of Foreign Plantations by spe-
 “ cial Commission.

“ According to this order of the Council a Proclamation issued forth.”

A QUO WARRANTO *brought against the Company of the MASSACHUSETTS-BAY by Sir JOHN BANKS, Attorney-General.*

Trin. 11^{mo}. Car. 1^{mi} R^s.

In Banco R^s.

[Hutchinson's Collection of original Papers.]

London ff. **T**HAT Sir Henry Rosewell and all the Massachusetts Company named in the patent, and others of the said Company in New England, for three years last past and more, used in London and other places, as alsoe in severall partes beyond the seas, out of this kingdome of England, without any warrant or royall grant, the liberties, priviledges and franchises following, viz.

(1) To be a body corporate and politique by the name of the Governor and Company of the Massachusetts Bay in New England, and by that name to plead and be impleaded, answer and be answered in all courts and causes.

(2) By that name to be capable of purchasing and retaining any lands, hereditaments or goods from his Majesty or any other in England or elsewhere, and of aliening the same to any person.

(3) Have severall common seals alterable at their pleasures.

(4) To make and sweare a Governor and Deputy Governor, of themselves, and to name and sweare any persons, either out of themselves or others, to be assistants of the said society, and to appoint and sweare out of themselves soe many officers in England, and abroad in Massachusetts-Bay, as they please, and at their wills to displace and change any of them.

(5) To admitt whom they please into the said Company, as well aliens as others, and take severall somes of money for such admissions, and at their wills disfranchise whome they please, and turn them out of that Company.

(6) To hold to themselves and successors all that his Majesty's territory of Massachusetts-Bay in New England, and the same to sell, give or dispose of as they please, and to have the sole government of all that country, and all persons there or coming thither or trading thither, by the orders and constitutions of their society.

(7) To keep a constant councill in England of men of their own Company and choosing, and to name, choose and sweare certaine persons to be of that councill, and to keepe one councill ever resident in New England, chosen out of themselves and to name choose and sweare whom they please to be of that councill.

(8) To appoint councill houses in England and beyond seas and there, when they please, to hold a court of such of the said company as they please; and in such courts to make such lawes and statutes concerning the lands goods and chattels of

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that company and other persons beyond seas, against the laws and customs of England, and all such, as well of the said company as others who are disobedient to the same, to imprison, fine and amerce and them to leavy and convert to their own use.

(9) To transport out of England beyond the seas, his Majesty's subjects, and others and them, at their wills, to governe on the seas and on partes beyond the seas.

To have power, against the laws and statutes of England, to transporte thence into partes beyond the seas all merchandizes and other things whatever prohibited by the lawes and statutes of England, and all weapons and instruments of warr, powder, shott, victuals, horses, mares, and all other merchandize custome free.

(10) To exact of all persons tradeing there, his Majestys or others, of the said company or others, certaine somes of money, at their wills, and to imprison such as refuse or neglect to pay the same.

(11) To have the sole importation, from thence, of all merchandizes into England, and by their own authority, prohibiting any of their company to export out of England any merchandizes or other things thither.

(12) And to lay fines and amercements on such persons trading with any goods thither and to imprison their persons, and lay such mulcts on their merchandize as they pleased.

(13) To use, in those partes beyond seas, and upon the high sea, at their pleasures, martiall law.

(14) And to examine on oath any person in any cause touching life and member, and to proceed to triall, sentence, judgment and execution, touching life and member, lands, tenements, goods and chattells, against the lawes and customes of England.

All which franchises, liberties, &c. the said Sir Henry Rosewell and others of the said company have, for all that time and still do usurp in contempt of his Majesty, &c.

And Mr. Attorney prayes process against the said persons to answer by what warrant they held the same.

In Mich^{as} T. x^{imo}. Car. I^{mi}.

THEOPHILUS EATON came in and pleaded, That he never usurped any the said liberties, priviledges and franchises in the information, nor did, nor doth use or claime any of the same, but wholly disclaymes them, and prayes dismissal, whereupon the court gave judgment :

That the said Theophilus shall not for the future intermeddle with any the liberties or franchises aforesaid, but shall be forever excluded from all use and claime of the same and every of them.

Hill. xi^{mo}. Car. I^{mi}.

Sir Henry Rosewell comes in and pleades the same.

Paff. xiii^{tio}. Car. I^{mi}.

Sir John Young comes in and pleades the same.

Hill. xii^{mo}. Car. I^{mi}.

Sir Richard Saltonstall comes in and pleades the same, and judgment given against him as against Eaton.

Mich. xi^{mo}. Car. I^{mi}.

John Ven comes in and pleades the same, and the like judgment against him.

Eod. Termino.

Matthew Cradock comes in, having had time to interplead, &c. and on his default judgment was given, That he should be convicted of the usurpation charged in the information, and that the said liberties, priviledges and franchises should be taken and seised into the King's hands, the said Matthew not to intermedle with and be excluded the use thereof, and the said Matthew to be taken to answer to the King for the said usurpation.

Eod. Termino.

George Harwood comes in and pleades the same with Eaton, and the like judgment given against him as Eaton.

Eod. Termino.

Richard Perry and Thomas Hutchins came in and pleaded the same, and had like judgment as Eaton.

Eod. Termino.

Nathaniel Wright does the same, and judgment alike.

Eod. Termino.

Samuel Vassal pleades the same, and has the same judgment against him as Eaton.

Eod. Termino.

Thomas Goffe pleades the same, and has the same judgment.

Eod. Termino.

Thomas Adams pleades the same and has the same judgment.

Mich. xiii^{tio}. Car. I^{mi}.

John Browne pleades the same and has the same judgment.

Mich. xi^{mo}. Car. I^{mi}.

George Foxcroft pleades the same and receives the same judgment as Eaton.

The rest of the patentees stood outlawed an noe judgment entered up against them.

NEW-PLYMOUTH *Vote to assist* MASSACHUSETTS and CONNEC-
TICUT, June 7, 1637.

[Plymouth Colony Records.]

IT is concluded and enacted by the Court, that the Colony of New-Plymouth shall send forth ayd to assist them of Massachusetts-Bay and Connecticut, in their wars against the Pequinn Indians, in reveng of the innocent blood of the English which the said Pequins have barbarously shed and refuse to give satisfaccion for.

A N *Answer to the proposicons made by MR. LEVERIDGE and others of*
SANDWICH, concerning the Lande there.

[Plymouth Colony Records.]

Pro. 1. **W**HETHER the vndertakers have a full gift of the Lands at Sandwiche, or whether a condicionall graunt onely for the settling of such a convenient number there, that may be usefull for the Commonwealth, and chiefly fit for church fellowship?

Ans. To the first we answere: For your terme of vndertakers we rather put instead there of committies as suiting more properly with the relacon twixt them and us, their grant being condicionall and not absolute; and the trust committed to them being for the ease of the Government, and more convenient accommodacon of such people as shalbe qualified according to the condicon and extent of the graunt and their joynnt promises.

Pro. 2. Whether such of them as are still at Saugust shall have any power at all there, either to dispose of thinges or possesse any lands at all in case they come not to inhabite?

Ans. To the second, we answere negatiuely: For when they made suite to us, it was as a people streitened and pretending remooveall really with all possible conveniency.

Pro. 3. Whether it may not be thought convenient to ad some others in their stead to the rest in case they come not? such as are of the church there, or neighbours of good report?

Ans.

Ans. To the third we answer affirmatively if need require; provided you make choyse of such as the Government shall approve of, for they are but committies.

Pro. 4. Whether they may substitute any in their rooms, in case they bee necessarily called to be absent?

Ans. To the fourth we answer as to the third.

Pro. 5. Whether if this power be abused, how it may be reformed?

Ans. To the fifth as abuses shall arise vpon due complaint, the Magistrate must do justice as in other cases.

Pro. 6. Whether in particular it be not an abuse of the power in case they should monopolize the chiefe places of conveniency for land, woods, meadows, &c. to the prejudice of the towne in generall.

Ans. To the sixth we answer: Such the case may be, and the damage so great to the whole as not to be suffered; but if the committies be faythfull and able of estate theire paynes will not be small; now theire estates must be provided for, and theire paynes will require more than ordinary accommodacon.

To the quere in the letter, whether two townships, &c. We answer, We made the grant of the lands to one; neither can there be any other without the allowance of the Government; but if the land farr off be disposed of for farmes to men of estate, We see no cause of dislike.

A DECLARATION *sent the Copy to CONNECTICUTT about the* PECOITS Country, and QUINAPIACK.

[Massachusetts Records.]

At a general Court held at Newtown, the 20th Day of the 9th Month, A. D. 1637.

WHEREAS it hath pleased the Lord of his great mercy, to deliver into our hands our enemies the Pecoits and their allies, and that thereby the lands and places which they possessed are by just title of conquest fallen to us, and our friends and associates upon the River of Connecticut: And whereas by subduing those our enemies, not only ourselves and our said associates, have obtained rest and liberty; but opportunity is also given for peaceable habitation to all such as shall hereafter inhabit the lands of our said enemies, both at Pecoit and Quinapiack, and the parts beyond towards the Dutch: We do hereby declare the just right and title, which

ourselves and our said associates upon Connecticutt have to all the said lands and territories ; and withall it is our desire, that our said associates (according to the articles of confederation agreed upon between us) will be pleased to appoint two committees, sufficiently authorized to give our committees a meeting at Newtown, so soon as the season of the year will permit, to consult and determine of the disposing and planting of the said lands, and setting down an equall and rateable proportion towards the charges expended in the said wars, to be paid by all such as shall be admitted to plant and inhabit the same ; and that they will please to give us convenient notice of the time of their coming and consent of joining with us in this consultation, 17th 9th Month.

per * I. N. Secret.

THE KING'S LETTER to the high commission Court.

[Rymer. Vol. xx. Page 190, A. D. 1637.]

CHARLES R.

*Most Reverend Fathers in God, Right trusty and Right entirely beloved Counsellors,
&c. Trusty and welbeloved, We greet you well.*

WHEREAS We are given to understand, that divers disorderly and refractory persons have been seduced, or withdrawn themselves from their obedience to our ecclesiastical laws, into several ways of separation, sects, schisms, and heresies, and being convented for the same, or for other their misdemeanors and notorious offences before you our commissioners for causes ecclesiastical, are grown to that obstinacy and disobedience, that some of them refuse to take their oath, and others being sworne, refuse to answer to the articles and matters there objected against them, or by equivocation or other undue evasions, do not make full and plain answer unto the same as by law they ought : Now for as much as you our said Commissioners for causes Ecclesiastical, are authorized by our Letters Patents under our great seal, and that your proceedings are not only and wholly according to the formal manner and terms of the Civil and Canon laws, but with some relation to the form of proceeding used in our Courts of *Star Chamber*, *Chancery*, or Court of *Requests* and *Exchequer*, wherein Defendants and Delinquents have always used to answer upon their oaths

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in causes against themselves, and also to answer interrogatories, touching their own contempts and crimes objected against them, which course in those Courts is daily practised and held agreeable to the laws and customs of this Realm; therefore for the better regulating of such contemptuous persons, in and for their obedience to our laws Ecclesiastical, We do hereby declare and signify of our own meer motion and certain knowledge, and by our Supreme power Ecclesiastical, do order and appoint that such persons as shall be legally called into our high commission Court, before you our said Commissioners, shall and may lawfully by you be enjoined to take their corporal oaths, and by virtue thereof, to answer to such articles and interrogatories as shall be there objected against them, being of Ecclesiastical cognizances, and within the limits of your said commission by our said Letters Patents granted unto you our said commissioners; and if any person or persons out of their perverse will and obstinacy, shall either refuse to take such oath before you our said commissioners, or being sworn, shall refuse to answer, or not make a full and plain answer to the said articles or interrogatories to them objected, that then after due monition given, and intimation made to the said persons in that behalf, if they shall still continue and persist in their contumacy, every such person to be sworn so refusing, or being sworn, refusing to answer, and not fully and plainly answering to the said articles and interrogatories, shall and may be declared and adjudged by you our said commissioners *pro Confesso*, and shall be held and had as confessed and convicted legally of all those articles and matters to which he so refuseth to be sworn, or being sworn, shall refuse to answer; or not make full and plain answer as aforesaid; and these our letters shall be a sufficient warrant and discharge in that behalf. Given under our signet at our Palace at *Westminster*, the fourth day of *February* in the thirteenth year of our reign.

Subscribed,

To the most Reverend Fathers in God, our right trusty and right entirely beloved Councillors, &c. William Lord Archbishop of Canterbury, Primate and Metropolitan of all England, and Richard, Lord Archbishop of York, Primate and Metropolitan of England, and to the rest of our Commissioners of our Court of high Commission now being, and to all and singular the Commissioners of that Court that hereafter for the time shall be.

ORDER

ORDER of COUNCIL upon CLAYBORNE's Petition against Lord
BALTIMORE.

[Votes of Assembly of Pennsylvania.]

At Whitehall, the Fourth of April, 1638.

P R E S E N T,

Lord Archbishop of Canterbury,	Lord Cottington,
Lord Keeper,	Mr. Treasurer,
Lord Treasurer,	Mr. Comptroller,
Lord Privy Seal,	Mr. Secretary Cook,
Earl Marshal,	Mr. Secretary Windebank.
Earl of Dorset,	

WHEREAS a Petition was presented to his Majesty by Captain William Clayborne, on the behalf of himself and partners, shewing, that by virtue of a Commission under his Majesty's Hand and Signet, they, divers years past, discovered and planted upon an island in the great bay of Cheaspeak, in Virginia, named by them The Isle of Kent, whereupon (they pretended) they had bestowed great charges; and that the Lord Baltimore (as they alledged) taking notice of the great benefit that was likely to arise to them thereby, obtained a Patent from his Majesty, comprehending the said Island within the limits thereof; and that they had likewise settled another Plantation upon the mouth of a river, in the bottom of the said Bay, in the Sasquehannahs Country, which the said Lord Baltimore's Agent there (as they alledge) sought to dispossess them of, pretending likewise great injuries and violence offered to them in their trade and possessions in those parts, by the said Agent, in killing some of the said Captain Clayborne's men; taking their boats contrary to the said Commission and express words of a Letter from his Majesty, under his Hand and Signet; and therefore besought his Majesty to grant unto the Petitioner a Confirmation, under the Great Seal, of his Majesty's said Commission and Letter, for the quiet keeping, enjoying, and governing of the said Islands, Plantation and People, with other Addittaments of Lands and Immunities in those parts; and likewise that his Majesty would refer the examination of the said wrongs and injuries, to such as his Majesty should think fit, as by the said Petition more at large appeareth. Forasmuch as his Majesty was pleased, at New-Market, the twenty-sixth of February, 1637, to refer the consideration of the Petitioner's

tititioner's request unto the Lord Archbishop of Canterbury, the Lord Keeper, the Lord Privy Seal, and any other the Commissioners for Plantations, who should be near at hand, and whom they pleased to call, and withal to advise with Mr. Attorney-General, for the preparing and settling the Grant desired, for his Majesty's Signature, and to examine the wrongs complained of, and certify his Majesty what they thought fit to be done for redress thereof: Whereupon all parties attending their Lordships this day, with their Council learned, and being fully heard, the said Commission and Letter being likewise read, it appeared clearly to their Lordships, and was confessed by the said Clayborne himself, then present, that the said Isle of Kent is within the bounds and limits of the said Lord Baltimore's Patent; and the said Captain Clayborne's Commission (as it likewise appeared) was only a licence under the Signet of Scotland, to trade with the Indians of America, in such places where the said trade had not formerly been granted by his Majesty to any other; which Commission, their Lordships declared did not extend, nor give any warrant to the said Clayborne, or any other; nor had they any right or title thereby to the said Isle of Kent, or to plant or trade there, or in any other parts or places, with the Indians or Savages within the precincts of the Lord Baltimore's Patent; and their Lordships did likewise declare, that the aforesaid Letter, under his Majesty's Signature, which had reference to the said Commission, under the Signet of Scotland, was grounded upon Misinformation, by supposing that the said Commission warranted the Plantation in the Isle of Kent, which (as now appears) it did not. Whereupon, as also upon consideration of a former order of this Board of the third of July, 1633, wherein it appeared, that the difference now in question being then controverted, the Lord Baltimore was left to the right of his Patent, and the Petitioners to the course of law, their Lordships having resolved and declared as aforesaid, the right and title to the Isle of Kent, and other places in question, to be absolutely belonging to the Lord Baltimore, and that no Plantation or Trade with the Indians ought to be within the precincts of his Patent, without licence from him, did therefore likewise think fit and declare, that no Grant from his Majesty should pass to the said Clayborne, or any others, of the said Isle of Kent, or other parts or places within the said Patent; whereof his Majesty's Attorney and Solicitor-General are hereby prayed to take notice; and concerning the violences and wrongs, by the said Clayborne, and the rest complained of in the said Petition to his Majesty, their Lordships did now also declare, that they found no cause at all to relieve them, but do leave both sides therein to the ordinary course of justice.

A COPIE of a Letter sent by the Appointment of the LORDS of the
COUNCIL to MR. WINTHROPE for the Patent of this * Plantation to be
sent to them.

[Hubbard's MSS. Hist.]

At Whitehall, April 4, 1638.

P R E S E N T,

Lord Archbishop of Canterbury,	Earle of Holland,
Lord Keeper,	Lord Cottington,
Lord Treasurer,	Mr. Treasurer,
Lord Privy Seale,	Mr. Controulor,
Earle Marshall,	Mr. Secretary Cooke,
Earle of Dorset,	Mr. Secretary Windebanke.

THIS day the Lords Commissioners for foreigne Plantations, takeing into consideration that the Petitions and Complaints of his Majesties subjects, planters and traders in New England, grow more frequent than heretofore for want of a settled and orderly government in those parts, and calling to mind that they had formerly given order about two or three yeares since to Mr. Cradock, a member of that Plantation to cause the Grants or Letters Patents for that Plantation (alledged by him to be there remaining in the hands of Mr. Winthroe) to be sent over hither, and that notwithstanding the same, the said Letters Patent were not as yet brought over. And their Lordships being now informed by Mr. Attorney-General that a Quo-Warranto had been by him brought according to former order against the said Patent, and the same was proceeded to judgment against so many as had appeared, and that they which had not appeared were outlawed.

Their Lordships well approving of Mr. Attorney's care and proceeding therein, did now resolve and order, that Mr. Meawtes Clerke of the Council, attendant upon the said Commissioners for forreigne Plantations, should in a letter from himselfe to Mr. Winthroe, inclose and convey this order unto him. And their Lordships hereby, in his Majesty's name, and according to his expresse Will and Pleasure, strictly require and enioyne, the said Winthroe or any other in whose power or custody the said Letters Patents are, that they fail not to transmit the said Patent hither by the returne of the ship in which the order is conveyed to them ; it being resolved that in case

case of any further neglect or contempt by them shewed therein, their Lordships will cause a strict course to be taken against them, and will move his Majesty to reassume into his hands the whole Plantation.

ORDER of Council for a Proclamation to prohibit the Transportation
of Passengers to NEW-ENGLAND without Licence.

[Rushworth, Part 2, Vol. II. Page 718, A. D. 1638.]

At WHITEHALL, April 6.

P R E S E N T

The King's most Excellent Majesty.

Lord Archbishop of Canterbury,	Earl of Salisbury,
Lord Keeper,	Lord Cottington,
Lord Treasurer,	Lord Neuburgh,
Lord Privy Seal,	Mr. Treasurer,
Lord Duke of Lenox,	Mr. Vice-Chamberlain,
Earl Marshal,	Mr. Secretary Cook,
Earl of Northumberland,	Mr. Secretary Windebanck.

HIS Majesty and the Board taking into consideration the frequent resort to New England, of divers persons ill affected to the Religion established in the Church of England, and to the good and peaceable Government of this State: However, upon the humble Petition of the Merchants, Passengers, and Owners of Ships now bound for New England, and upon the reasons by them represented to the Board, his Majesty was graciously pleased at this time to free them from a late restraint, and to set them at liberty to proceed on in their intended voyage. Nevertheless his Majesty well knowing the factious disposition of the People (for a great part of them) in that Plantation, and how unfit and unworthy they are of any support or countenance from hence, in respect of the great disorders and want of Government amongst them; whereof fundry and great complaints have been presented to the Board, and made appear to be true, by those that being well affected, both for Religion and Government, have suffered much loss in their estates by the unruly factious

party, did think fit and order, that Mr. Attorney-General shall forthwith draw up a proclamation, expressing his Majesty's Royal pleasure, to prohibit all Merchants, Masters, and Owners of Ships from henceforth, to set forth any Ship, or Ships, with Passengers for New England, till they first obtained special Licence on that behalf, from such of the Lords of his Majesty's most Honorable Privy Council as are appointed for the business of Foreign Plantations by special Commission.

A PROCLAMATION *to restrain the Transporting of Passengers
and Provisions to NEW ENGLAND without Licence.*

[Rymer, Vol. xx. P. 223. A. D. 1638.]

THE King's most excellent Majesty, for divers weighty and important causes, well known unto his Majesty, doth hereby straightly charge and command all Merchants, Masters and owners of ships whatsoever, that from henceforth, they or any of them, do not presume to set forth any ship or ships, with passengers or provisions for New-England, untill they shall have first obtained special licence from his Majesty, or such of the Lords and others of his Privy Council, as by his Majesty's special Commission now are or shall be appointed for the business of Foreign Plantations, upon pain of his Majesty's high displeasure, and such penalties and punishments as shall be thought meet to be inflicted on offenders herein for their contempt of his Majesty's Royal commands; and his majesty doth hereby further require and command all the customers and other officers and Ministers of or belonging to all or any his ports within the Realm of England and dominion of Wales, that they and every of them in their severall offices and places, do take special care of the due execution of his Majesty's Royall will and pleasure herein declared, as they will answer for the contrary at their uttermost Perils.

Given at the Court at Whitehall, the first day of May.

PER IPSUM REGEM.

MASSACHUSETTS PETITION *to the Lords Commissioners for Foreign Plantations.*

[Hubbard's M.S. History, A. D. 1638.]

To the Right Honorable the Lords Commissioners for Foreign Plantations, ..

THE humble petition of the Massachusetts in New-England in the General Court there assembled the 6th day of September in the 14th year of the reigne of our Sovereigne Lord King Charles.

Whereas it hath pleased your Lordships by order of the 4th of April last, to require our patent to be sent unto you, wee do here humbly and sincerely profess that we are ready to yield all due obedience to our Sovereigne Lord the King's Majestie, and to your Lordships under him, and in this mind Wee left our native Country, and according thereunto hath been our practice ever since, so as wee are much grieved that your Lordships should call in our Patent, there being no cause knowne to us for that purpose; our Government being settled according to his Majesties grant, and wee not answerable for any defects in other Plantations. This is that which his Majesties subjects do believe and profess; and therefore wee are all humble suitors to your Lordships, that you would be pleased to take into further consideration our condition, and to afford unto us the liberties of subjects, that wee may know what is layd to our charge, and have leave and time to answer for ourselves, before wee be condemned as a people unworthy of his Majesties favour or protection. As for the Quo Warranto mentioned in the said order, wee do assure your Lordships that wee were never called to make answer to it; and if wee had, Wee doubt not but Wee have a sufficient plea to put in.

1. It is not unknowne to your Lordships that wee came into these remote parts with his Majesties licence and encouragement, under his Great Seale of England, and in the confidence wee had of the great assurance of his favour, wee have transported our families and estates, and here have wee built and planted to the great enlargement and securing of his Majestie's Dominions in these parts, so as if our patent should be now taken from us, wee should be looked at as runagates and outlaws, and shall be enforced either to remove to some other place, or to return to our native Country again; either of which will put us to insuperable extremities, and these evils (among others) will necessarily follow.

1. Many thousand soules will be exposed to ruine, being laid open to the injuries of all men.

2. If wee be forced to desert the place, the rest of the plantations about us (be-
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ing too weak to subſiſt alone) will for the moſt part diſſolve and go along with us; and then will this whole Country fall into the hands of French or Dutch, who would ſpeedily embrace ſuch an opportunity.

3. If wee ſhould loſe all our labour and coſt, and be deprived of thoſe liberties which his Maſteſty hath granted us, and nothing layd to our charge, nor any failing to be found in us in point of allegiance (which all our countrymen do take notice of, and wee juſtify our faithfulneſs in this behalf) it will diſcourage all men hereafter from the like undertakings upon confidence of his Maſteſties Royal Grant.

Laſtly, If our patent be taken from us (whereby wee ſuppoſe wee may claime intereſt in his Maſteſties favour and protection) the comon people here will conceive that his Maſteſty hath caſt them off, and that hereby they are freed from their allegiance and ſubjection, and thereupon will be ready to confederate themſelves under a new government for their neceſſary ſafety and ſubſiſtance, which will be of dangerous example unto other Plantations, and perilous to ourſelves, of incurring his Maſteſties diſpleaſure; which we woud by all meanes avoyd.

Upon theſe conſiderations wee are bold to renew our humble ſupplications to your Lordſhips, that wee may be ſuffered to live here in this wilderneſs, and that this poor Plantation which hath found more favour with God than many other, may not find leſs favor from your Lordſhips, that our liberties ſhould be reſtrained when others are enlarged, that the door ſhould be kept ſhut unto us, while it ſtands open to all other Plantations, that men of ability ſhould be debarred from us, while they have encouragement to other Colonies:—Wee do not queſtion your Lordſhips proceedings, wee only deſire to open our griefs where the remedy is to be expected. If in any thing wee have offended his maſteſty and your Lordſhips, Wee humbly proſtrate ourſelves at the footſtoole of ſupreem authority.

Lett us be made the objects of his Maſteſties Clemency, and not cut off in our firſt appeal from all hope of favour. Thus with our earneſt prayers unto the King of Kings, for long life and proſperity to his Sacred Maſteſty, and his Royall Family, and for all honor and welfare to your Lordſhips, wee humbly take leave,

This is a true Copy compared with the originall on File, as atteſts,

EDWARD RAWSON, Secretary.

OBSERVATION

OBSERVATION of MASSACHUSETTS *South Line, October 10th, 1638.*

[Massachusetts Records.]

THE Observation taken for the most southerly parts of this Patent going along by Charles River we found to be 41 degrees 49 minutes of north latitude, where we took our Observation, the River still running southerly; but we for want of necessities could not at that time try the utmost end of the River.

Nathaniel Woodward, Mathematician; Mr. Dalton, William Perkins, John Fairbank, and Mr. Dalton's servant.

ARTICLES of GOVERNMENT *agreed upon by the Towns of*
WINDSOR, HARTFORD, and WEATHERSFIELD, in 1638.

[From a MSS. Copy.]

FORASMUCH as it hath pleased the Almighty God, by the wise disposition of his divine providence, so to order and dispose of things, that we, the inhabitants and residents of Winsor, Hartford, and Weathersfield, are now cohabiting and dwelling in and upon the river of *Connecticut* and the lands thereunto adjoining; and well knowing where a people are gathered together, the Word of God requires, that to maintain the peace and union of such a people, there should be an orderly and decent government established according to God, to order and dispose the affairs of the people at all times as occasion should require: Do therefore associate and conjoin ourselves to be as one public state and Commonwealth; and do for ourselves and our successors, and such as shall be adjoined to us at all times hereafter, enter into combination and confederation together to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus, which we now profess, as also the Discipline of the Churches which according to the truth of said Gospel is now practised amongst us; as also in our civil affairs to be guided and governed according to such laws, rules, orders and decrees as shall be made, ordered, and decreed, as followeth:

I. It is ordered, sentenced, and decreed, that there shall be yearly two General Assemblies or Courts, the one on the second Thursday of April; the other the second Thursday of September following. The first shall be called the Court of Election, wherein

wherein shall be yearly chosen from time to time to many Magistrates and other public Officers as shall be found requisite, whereof one to be chosen Governor for the year ensuing, and untill another be chosen, and no other Magistrate to be chosen for more than one year, provided always there be six chosen besides the Governour; which being chosen and sworn according to an oath recorded for that purpose, shall have power to administer justice according to the law here established, and for want thereof, according to the rule of the Word of God: Which choice shall be made by all that are admitted Freemen and have taken the oath of Fidelity, and do cohabit within this jurisdiction; having been admitted inhabitants by the major part of the town where they live, or the major part of such as shall be then present.

II. It is ordered, sentenced, and decreed, that the election of the aforesaid Magistrates shall be on this manner:—every person present and qualified for choise shall bring in (to the persons deputed to receive them) one single paper, with the name of him written in it whom he desires to have Governour, and he that hath the greatest number of papers shall be Governour for that year; and the rest of the Magistrates and public Officers to be chosen in this manner: The Secretary for the time being shall first read the names of all that are to be put to choise, and then shall severally nominate them distinctly, and every one that would have the persons so nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank, and every one that hath more written papers than blanks shall be a Magistrate for that year, which papers shall be received and told by one or more that shall be then chosen by the Court, and sworn to be faithful therein. But in case there should not be six persons as aforesaid besides the Governor out of those which are nominated, then he or they which have the most written papers shall be a Magistrate or Magistrates for the ensuing year to make up the aforesaid number.

III. It is ordered, sentenced, and decreed, that the Secretary shall not nominate any person now, nor shall any person be chosen newly into the Magistracy which was not propounded in some General Court before to be nominated the next election; and to that end it shall be lawfull for each of the towns aforesaid, by their deputies, to nominate any two whom they conceive fitt to be put to election, and the Court may add so many more as they judge requisite.

IV. It is ordered, sentenced, and decreed, that no person be chosen Governour above once in two years, and that the Governour be always a member of some approved Congregation and formerly of the Magistracy within this jurisdiction; and all the Magistrates, freemen of this Commonwealth, and that no Magistrate or other public Officer shall execute any part of his or their Office before they are severally sworn, which shall be done in the Face of the Court, if they be present, and in case of absence, by some deputed for that purpose.

V. It

V. It is ordered, sentenced, and decreed, that to the aforesaid Court of Election the severall towns shall send their deputies; and when the elections are ended they may proceed in any public service as att other Courts: also the other General Court in September shall be for making of laws and any other public occasion which concerns the good of the Commonwealth.

VI. It is ordered, sentenced, and decreed, that the Governour shall, either by himself or by the Secretary send out summons to the constables of every town for the calling those two standing Courts one month att least before their severall times; and also if the Governour and greatest part of the Magistrates see cause upon any special occasion to call a General Court, he may give order to the Secretary so to do within fourteen days warning, and if urgent necessity so require, upon a shorter notice, giving sufficient Grounds for it to the deputies when they meet, or else be questioned for the same. And if the Governour and major part of the Magistrates shall either neglect or refuse to call the two General Standing Courts or either of them, as also att other times when the occasions of the Commonwealth require, the Freemen thereof or the major part of them shall petition to them so to do, if then it be either denied or neglected the said Freemen, or the major part of them, shall have power to give order to the constables of the severall towns to do the same, and so may meet together, and choose to themselves a Moderator, and may proceed to do any act of power which any other General Court may.

VII. It is ordered, sentenced, and decreed, that after there are Warrants given out for any of the said General Courts, the constable or constables for each town shall forthwith give notice distinctly to the inhabitants of the same in some publick assembly, or by going and sending from house to house, that at a place or time by him or them limited and sett, they meet and assemble themselves together to elect and choose certain deputies to be at the General Court then following, to agitate the affairs of the Commonwealth, which said deputies shall be chosen by all that are admitted inhabitants in the severall townes, and have taken the oath of Fidelity: Provided that none be chosen deputy for any General Court which is not a Freeman of this Commonwealth. The aforesaid deputies shall be chosen in manner following, viz. Every person that is present and qualified as before expressed shall bring the names of such written on severall papers as they desire to have chosen for that employment; and those three or four, more or less, being the number agreed on to be chosen for that time that have greatest number of papers written for them shall be deputies for that court; whose names shall be endorsed on the backside of the Warrant, and returned unto the Court with the constable or constables hand unto the same.

VIII. It is ordered, sentenced, and decreed, that Winfor, Hartford, and Weathersfield shall have power each town to send four of their Freemen as their deputies to every General Court; and whatsoever other towns shall be hereafter added to their jurisdiction, they shall send so many deputies as the court shall judge meet, a
reasonable

reasonable proportion to the number of Freemen that are in said towns being to be attended therein ; which deputies shall have the power of the whole town to give their votes and allowance to all such laws and orders as may be for the public good and unto which the said towns are to be bound.

IX. It is ordered and decreed that the deputies thus chosen shall have power and liberty to appoint a time and place of meeting together before any General Court, to advise and consult of all such things as may concern the good of the publick, as also to examine their own elections whether according to the order, and if they or the greater part of them find any elections to be illegal, they may seclude such for the present from their meeting, and return the same and their reasons to the Court ; and if it prove true, the Court may fine the party or parties so intruding upon the town if they see cause, and give out a Warrant to go to a new Election in a legal way, either in whole or in part. Also the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment, and they may return said fines into the Court (if it be refused to be paid) and the Treasurer to take notice of it, and to execute or levy the same as he doth other Fines.

X. It is ordered, sentenced, and decreed, that every General Court, (except such as through neglect of the Governour and the greatest part of the Magistrates, the Freemen themselves do call) shall consist of the Governour or some one chosen to moderate the Court, and four other Magistrates at least, with the major part of the deputies of the several towns legally chosen : and in case the Freemen or the major part of them, through neglect or refusal of the Governour and major part of the magistrates shall call a Court, that shall consist of the major part of the Freemen that are present or their deputies, with a Moderator chosen by them. In which said General Court shall consist the supreme power of the Commonwealth, and they only shall have power to make laws and repeal them,—to grant leave to admitt of Freemen,—dispose of lands undisposed of to several towns or persons, and also shall have power to call other Courts or Magistrates or any other person whatsoever into question for any Misdemeanour, and may for just causes displace, or deal otherways according to the nature of the offence ; and also may deal in any other matter that concern the good of this Commonwealth, except Election of Magistrates, which shall be done by the whole body of Freemen : In which Courts the Governour or Moderator shall have power to order the Court, to give liberty of speech, and silence unreasonable and disorderly speaking :—to put all things to vote, and in case the vote be equal, to have a casting vote ; but none of these courts shall be adjourned or dissolved without the consent of the major part of the Court.

XI. It is ordered, sentenced, and agreed, that when any General Court upon the occasions of the Commonwealth have agreed upon any sum or sums of money to be levied

levied upon the severall towns within this jurisdiction, that a Committee be chosen to sett out and appoint what shall be the proportion of every town to pay off the said levy; provided the Committee be made up of an equal number out of each town.

January 14th 1638.

The Eleven Orders abovesaid are voted.

The GRAND ENQUEST'S [of NEW-PLYMOUTH] Inquerie, March 5. 1638.

[Plymouth Records.]

I. **W**EE desire to be informed by what vertue and power the Governor and Assistants doe give and dispose of lande, either to particular persons or Towneships and Plantacons.

II. Wee further desire to be informed what lands are to be had or is reserved for the purchasers as hath beene formerly agreed in Court too.

III. Wee further desire to be informed of the vndertakers of the trade what wilbe allowed to the Colony for the vse of the said trade during the years past.

IV. Wee farther desire to be informed, why there is not a Treasurer chosen for this yeare, as other officers, seeing by an order in Court there should be yearly one chosen to take vp the fynes and moneys within the whole Colony.

Pro RICHARDO MORISON.

[Rymer, Vol. XX. P. 306. A. D. 1638.]

REX, vicesimo nono die Martii, concedit *Richardo Morison* Armigero, Officium Capitanei five Custodis Castri five Propugnaculi de *Point Comfort* infra Dominium de *Virginia*, durante bene-placito in Reverfione.

P. S.

GRANT of the Province of MAINE to SIR FERDINANDO GORGES,
April 3, 1639.

[N. B. The Words at the bottom of the Pages in which this Grant is contained, are not in the Records, but are taken from a Copy sent from the Rolls Office in England, which is attested by

HENRY ROOK,

Clerk of the Rolls.]

[Records of Inferior Court of York County Massachusetts.]

CHARLES by the grace of God King of England Scotland France and Ireland Defender of the faith &c. To all to whom these presents shall come greetinge Whereas Sir Ferdinando Georges, Knight, hath bin an humble suitor vnto vs to grante and confirme vnto him and his heirs, a parte and portion of the Country of America, nowe comonly called or knowne by the name of New England in America, in these presents hereafter described by the Mettes and Bounds thereof, with divers and fundry priviledges and jurisdictiones for the welfare and good of the State of those Colonies that shalbe drawne thither, and for the better government of the people that shall inhabit within the limitts and precincts thereof; which parte and porcion of the said Country Wee have heretofore amongst other things for us our heirs and successors taken into our actuall and real possession, and in defaulte of such actuall and real possession formerly taken, Wee doe by these presents, for vs our heirs and successors take the same into our actuall and reall possession Know yee, therefore, that of our speciall grace, certaine knowledge and mere mocon Wee have given, graunted, and confirmed, and by these presents for vs our heirs and successors, doe give, graunte and confirme vnto the saide Sir Ferdinando Georges, his heirs and assignes, all that parte, purparte and portion of the maine land of New England aforesaid, beginning at the entrance Pascataway harbor, and soe to passe vp the same into the River Newichawocke, and through the same into the fartherst head thereof; and from thence northwestwards till on hundred and twentie milles bee finished, and from Pascataway harbor mouth aforesaid North Eastwards, along the sea coast to Sagedehadocke, and vp the River thereof to Knybecky River; and through the same to the heade thereof, and vnto the land Northwestwarde, vntill one hundred and twentie milles be ended, being accounted from the mouth of Sagedehadocke, and from

from the period of one hundred and twentie milles aforesaid, to crosse over land to the hundred and twentie milles end formerly reconed vp into the land from Pascataway harbor through Newichawocke River; and alsoe the North halfe of the Illes of Shoals; together with the Illes of Capawock and Nautican nere Capocod; as also all the Islands and Illets lyenge within five leagues of the Maine, all along the said Coasts betweene the said Rivers of Pascataway and Sagedehadocke, with all the Creeks, havens and harbors thereunto belonging and the revercon and revercons, remainder and remainders, of all and singuler the said lands, rivers and premisses; all which said parte purparte, or portion of the saide maine lande, and all and every the premisses herein before named, Wee doe for vs our heirs and successors create and incorporate into one Province or Countie; and Wee do name, ordeyne and apointe that the portion of the maine land and premisses aforesaid, shall for ever hereafter be called the Province or Countie of Maine, and not by any other name or names whatsoever; with all and singuler the soyles and grounds therof; aswell drye as covered with waters, and all waters, ports, havens and creeks of the sea and inlets of the Province of Maine and premisses, or to them or any of them; belonging or adjacent, as alsoe all woods, trees, lakes and rivers within the said Province of Maine and premisses or limitts of the same, together with the fishings of what kindes soever, aswell pearles as fish as Whales, Sturgeons, or any other, either in the sea or Ryvers; and alsoe all Royalties of haukeing, hunteinge, fowleing, warren and chases within the said province of Maine and premisses aforesaide, Deer of all sorts, and all other beasts and fowles of Warren and Chase, and all other beasts there; and alsoe all mynes and oare of Gould, silver, pretious stones, tinne, lead, copper, sulphure, brimstone, or any other mettall or Minerall matter whatsoever within the said Province or premisses or any of them opened or hidden, and all † narrice there, and all gould † pearle, siluer, pretious stones, and ambergreece which shalbe found in the said province and Premisses, or any of them, and the lymitts and coasts of the same, or any of them, or any parte of them, or any of them, and all and singular other profits, benefitts and comodities groweing, comeing, accrewing, or hapeninge or to be had, perceaved or taken within the said Province and premisses, limitts and coasts of the same, or any of them; and alsoe all patronadges and advowsons, free disposicons and donacons of all and every such Churches and Chappelles as shall be made and erected within the said Province and premisses or any of them, with full pouer, licence and authority to build and erect, or cause to be built and erected, soe many Churches and Chappelles there, as to the said Sir Ferdinando Georges, his heirs and assignes shall seeme meete and convenient, and to dedicate and consecrate the same, or cause

† Quarries.

† Pearl

the same to be dedicated and consecrated according to the ecclesiasticall lawes of this our realme of England; together with all and singuler, and as large and ample rights, jurisdictiones, priviledges, prerogatives, royalties, liberties, immunities, franchises and hereditaments, aswell by sea as by land within the said Province and premisses and the precincts and coasts of the same, or any of them, or within the seas belonging or adjacent to them *, as the Bishop of Durham within the Bishopricke or Countie Palatine of Duresme in our Kingdome of England, now hath, useth, or enjoyeth, or of right ought to have, use, and enjoy within the said Countie Palatine, as if the same were herin particularly menconed and expressed, To have and to hould, possesse, and enjoy the said Province and premisses, and every of them, and all and singuler other the premisses before † graunted or menconed and intended to be graunted, with their and every of their rights, members, and appurtenances vnto the said Sir Ferdinando Georges, his heirs and assigns, and to the sole only use of the said Sir Ferdinando Georges, his heirs and assigns for ever; to be houlden of vs our heirs and successors as of the mannor of East Greenwich in the Countie of Kent by fealty only in free and comon Socage and not in Capite nor in Knight's service, for all manner of services whatsoever, yeelding and paying therefore yearly to us, our heirs and successors, one quarter of wheate, and also yeelding and paying to vs our heirs and successors, the fift part of the cleare yearly profit of ‡ our royall mines of gould and siluer, that from time to tyme, and at all tymes hereafter, shalbe there gotten and obteyned §, and the fift parte of all gould § found upon the sea shore or in Rivers or else where, within the bounds and limitts of the said Province and premisses, and the fift parte of the cleare yearly profit of pearle fishings; and Wee doe for vs our heires and successors, further graunte vnto the said Sir Ferdinando Georges, his heirs and assigns for ever, all treasure troues, goods and chattels of fellows and fellows ** themselves, waives, estraies, piratts goods, deodans, fines and amerciaments of all the inhabitants and others hapeninge, growing, or arising in the said Province, and other the premisses, or in any parte thereof, or in any voiadge or pasedge to or from the same, aswell for offences comitted against †† ourselves, our heirs and successors or thinges concerning †† our selues, our heirs and successors or our profit, as against others, or things concerning others, or the profit of others; and all and all manner of wracks of shippes or merchandize, and all that which to wracks belongeth by what meanes soever hapening within or vpon the havens, creeks, coasts or shoares of the premisses, or any part thereof: And Wee doe for vs our
heires

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* or any of them.

† by these presents.

‡ all.

§ The Copy from the Rolls Office in England, has an addition here of these words *if any such shall be there found.*

§ Copy above, and Silver.

** Copy above Felons of themselves.

†† our selfe.

†† our selfe.

heirs and successors, create, ordaine and constitute the said Ferdinando Georges, his heires and assignes, the true and absolute Lords and proprietors of all and every the aforesaid Province of Maine and premisses aforesaid, and all and every the limitts and coasts therof, saving alwayes the faith and alleageance, and the supream dominion due to us, our heirs and successors; and for the better government of such our subjects and others, as shall at any time hapen to dwell or reside within the said Province or premisses, or passe to or from the same, our will and pleasure is that the religion now professed in the Church of England, and ecclesiasticall government now vsed in the same, shall be ever hereafter professed, and with as much convenient speed as may bee settled and established in and throughout the said Province and premisses, and every of them; and wee doe for us our heirs and successors, * give and graunte vnto the saide Sir Ferdinando Georges, his heirs and assignes, power and authoritie, with the assent of the greater parte of the freeholders of the said Province and premisses for the time being, when there shalbe any † to be called therunto from time to time, when and as often as shall be requisite to make and ordeyne and publish lawes, ordinances and constitucons, reasonable and not repugnant and contrary, but agreeable as nere as conveniently may bee, to the lawes of England for the publike good of the said Province and premisses, and of the inhabitants therof, by imposing of penalties, imprisonment or other corections or if the offence shall requier by taking away of life or member, the said lawes and constitucons to extend aswell to such as shalbe passing vnto or returning from the said Province or premisses as vnto the inhabitants or residents of or within the same, and the same to be put in execucon by the said Sir Ferdinando Georges, his heirs or assignes, or by his or there deputies, liftenaunts, judges, officers or ministers in that behalfe, lawfully authorized, and the same lawes ordinances and constitucons, or any of them, to alter, change, and revoke, or to make voide and to make new, not repugnant nor contrary, but agreeable as nere as may bee to the lawes of England as the said Sir Ferdinando Georges his heires and assignes, together with the said freeholders, or the greater part of them for the time being, shall from time to time thinke fitt and convenient: And wee doe further by these presents for vs our heires and successors, give and graunt vnto the said Sir Ferdinando Georges his heires and assignes, full power and authoritie, and that it shall and may be lawfull to and for him the said Sir Ferdinando Georges, his heires and assignes, to erect courts of justice, aswell ecclesiasticall as civill and temporall whatsoever, and to apoint and constitute from tyme ‡ judges, justices, majistrates, officers, aswell of the said courts and courts of justice as otherwise, as well by sea as by land, for the hearing and determining of all manner of causes whatsoever within
and

* By these presents.

† Who are.

‡ Copy above from time to time.

and concerning the Province and premisses, or any of them, or the inhabitants and residents there, and passengers to and from the same as well by land as by sea, and to order and apoint what matters and things shalbe heard, determined, done, or ordered in any of the said courts, or by any of the said judges, magistrates and officers, with such power and such forms as it shall seeme good to the said Sir Ferdinando Georges, his heires or assignes; and the said judges, justices, magistrates and officers, and every or any of them, from time to time, to displace and remove when the said Sir Ferdinando Georges, his heires or assignes shall thinke fitt, and to place others in their roomes and stead; and that the inhabitants and residents within the said Province and premisses, and passengers to and from the same, may within fortie dayes after sentence given in the said courts, where appeales in like courtes within this kingdome are admitted, appeale to the said Sir Ferdinando * his heires or assignes or † their generall governour or chiefe deputie of the said Province or premisses for the time being, to whome Wee doe by these presents, for vs our heirs and successors, give full power and authoritie, to proceed in such appeales as in like cases of appeale within this our realme of England: And Wee doe further for vs our heirs and successors, giue and graunte vnto the said Sir Ferdinando Georges his heires and assignes, full power and authoritie to pardon, remit, and release all offences and offenders within the said province and premisses, against all, every, or any of the said lawes, ordinances, and constitucions, and to do all and singular other things vnto the execucon of justice appertaining in any courte of justice according to the forme and manner ‡ in such courts to be vsed, although in these our Letters Pattents there be no particuler mention of the same: But Wee doe neverthelesse hereby signify || our will and pleasure to be, that the powers and authorities hereby given to the said Sir Ferdinando Georges, his heires, and assignes, for and concerning the government, both Ecclesiasticall and Civill, within the said province and premisses, shalbe subordinate and subiect to the power and regement of the Lords and others Commissioners here for foraigne Plantations for the time being; but for all whatsoever doth, shall, or may concerne the proprietie of the said province, partes, and coasts of the same, or any of them, or any ownership § in any lands, tenements, or other hereditaments, goods or chattells, or the nominating or appointing any officer or officers, the same is left wholly to the said Sir Ferdinando Georges, his heires and assignes, according to the tenor, intent, and true meaning of these presents. And because such assemblies of freeholders for making of lawes cannot alwayes be so sudenly called as there may bee occasion to require the same, wee doe therefore for us, our
heires

* Sir Ferdinando Georges

|| and declare.

† his or

§ or Interest.

‡ manner of proceedings in.

heires and successors, give and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he the said Sir Ferdinando Georges his heires and assignes, by him and themselves, or by his or their deputies, magistrates and officers in that behaulfe belonging and lawfully constituted, shall or may from time to time, make and ordeyne fit and wholsome ordinances within the province or premisses aforesaid to be kept and established, as well for the keeping of peace as for the better government of the people there abiding, or passing to and from the same, and to publish the same to all to whom it may appertaine or concerne: Which ordinances wee doe for vs, our heires and successors, straightly commande to be inviolably observed within the said province and premisses, vnder the penalties therein expressed, soe as the same ordinances be reasonable and not repugnant or contrary, but as * may be agreeable to the lawes and statutes of our kingdome of England, and soe as the same ordinances doe not extend to the binding, chardging or takeing away of the right or interest of any person or persons in their lives, members, freeholds, goods or chattells whatsoever: And because in a country so farre distant, and seated amongst so many barbarous nations, the intrusions or invasions, as well of the barbarous people as of pirats and other enemies may be iustly feared; Wee doe therefore for us, our heires and successors, giue and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he the said Sir Ferdinando Georges, his heires and assignes, aswell by him and themselves, as by his and there deputies, captaines or other officers for the time being, shall or lawfully may muster, leavy, rayse, arme and imploy all person and persons whatsoever inhabiting and residing within the said province or premisses for the resisting or withstanding such enemies or piratts both at land and at sea, and such enemies and pirats if occasion shall requier to pursue and prosecute out of the limitts of the said province or premisses, and them, if it shall soe please God, to vanquish, apprehend, and take; and being taken, either according to the law of armes to kill, or kepe and preserve them at their pleasures; and likewise by force of armes to recover from any person or persons, all such territories, dominions†, places, goods, chattells, and wares, which hereafter shalbe taken from the said Sir Ferdinando Georges, his heires or assignes, or from his and there deputies, officers, or seruants, or from any the planters, inhabitants, or residents † within the said province or premisses, or from any other members, aiders, or assisters of the said Sir Ferdinando Georges, his heires or assignes, or from any other the subjects of vs, our heires and successors, or others in amitie with vs, our heires and successors, in the said province and premisses and coasts, or any of them, or in their passage to and from the same. And wee doe further for vs, our heires and successors, give and

* near as

† Land

‡ of or

and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, in case any rebellion, sudden tumult, or mutiny shall hapen to arise either vpon the said land within the said province or premises, or any of them, or coasts of the same, or vpon the maine sea in passing thither or returning from thence, or in any such expedition or service as aforesaid, it shall and may be lawfull to and for the said Sir Ferdinando Georges, his heires and assignes, aswell by him and themselves, as by his and their deputies, captaines, and other officers vnder his or their seale in that behaule to be authorized, to whom Wee also for vs, our heires and successors, do giue and graunte full power and authoritie to doe and execute the same, to vse and execute martiall lawe against such rebels, traitors, mutineers, and seditious persons, in as ample manner and forme as any Captaine-Generall in the warres, or as any Lieutenant or Lieutenants of any countie within this our realme of England by vertue of his or their office or place may or have ben accustomed in time of warr, rebellion, or mutiny, to doe and performe. And Wee doe for vs, our heires and successors, farther giue and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, and to all and every comander, gouernor, officer, minister, person and persons which shall by the said Sir Ferdinando Georges, his heires or assignes, be thereunto authorized or appointed, leave, licence, and power to erect, rayse, and * builde, from time to tyme, in the province, teretory, and coasts aforesaide, and every or any of them, such and soe many forts, fortresses, platforms, castells, citties, townes and viladges, and all fortifications whatsoever, and the same and every of them to fortifie and furnish with ordinances, men, powder, shot, armour, and all other weapons, municon, and habilliments of warr, both for defence and offence whatsoever, as to the said Sir Ferdinando Georges, his heires and assignes, and every or any of them shall seeme meet and convenient; and likewise to comitt from time to time the goverment, custody, and defence thereof vnto such person or persons as to the said Sir Ferdinando Georges, his heires and assignes, shall seeme meet: And to the said citties, boroughs, and townes, to graunt Letters or Charters of incorporacon, with all the liberties and things belonging to the same; and in the said severall citties, boroughs, and townes, to constitute such and soe many marketts, martts, and fayres, and to graunt such mete Tolles, customes, duties, priviledges and fredomes to and with the same, as to the said Sir Ferdinando Georges, his heires or assignes, shall bee thought fitt. And for that Plantacons are subiect to divers difficulties and discomodities, therefore Wee favoring the present beginning of the said Plantacon, and hauing a provident care that those who are greiued in on thing may be releaved in another, doe of our speciall grace, mere motion, and certaine knowledge, for vs, our heires and successors, giue and graunte

vnto

vnto the said Sir Ferdinando Georges, his heires and assignes, and to all other our subiects the dwellers or inhabitants that shall at any time hereafter be the planters of or in the said province or any of the premisses, free lycence and liberty for the landing, bringing in, vnlading or otherwise disposing of all the wares and merchandize, profits and comodities of the said province or any the premisses, both by sea and by land, either by themselves or their seruants, factors, or assignes, in any of the ports of vs, our heires and successors, within our kingdome of England or Ireland, paying only such customes, subsidies, and dutties as our naturall borne subiects of this our realme of England shall or ought to pay, and non other; And to haue and inioy all such liberties, freedoms and preuiledges for and concerning the exporting of the same againe without paying any mor costomes or duttyes, and for hauing againe of impost in such manner and in the like beneficiall sorte as any of our naturall borne subiects of this our realme shall then haue and inioy: And wee doe for us, our heires and successors, giue and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, full and absolute power and authoritie to make, erect, and apoint within the said province and premisses, such and so many ports, havens, creeks, and other places for the lading and vnlading of shippes, barques, and othere vessells, and in such and soe many places, and to apoint such rights, iurisdicons, preuiledges and liberties vnto the said ports and havens and creekes belonging, as to him or them shall seme meete; and that all and singular shippes, * barques, and other vessells to be laden and unladen in any way of merchandize, shall be laden or vnladen at such portes, havens, or creekes, soe by the said Sir Ferdinando Georges, his heires or assignes, to be made, erected, and appointed, and not elsewhere within the said province, premisses, and coasts, and to apoint what reasonable Tolles shalbe payde for the same; and the same Tolles to receaue, take, and inioy, to the behoofe of the said Sir Ferdinando Georges, his heires and assignes, to his and there on vse without accompt to be thereof made to vs, our heires and successors, any vse, custome, matter, or thing to the contrary thereof notwithstanding: Saving alwayes to all our subiects of our kingdome of England libertie of fishing, as well in the sea as in the creeks of the said province and premisses aforesaid; and † dring of there fish, and dring of there netts a shoare of the saide province and any the premisses, any thing to the contrary thereof notwithstanding: which said liberties and preuiledges our pleasure is, that the saide subiects of vs, our heires and successors shall inioy without any noteable damage or injury to be done to the saide Sir Ferdinando Georges, his heires and assignes, or the inhabitants of the said province, or in any of the premisses, or in any of the ports, creekes, shoares, aforesaide, but chiefly in the woods there growing. And Wee doe further for vs,

* Hoys

† The Priuiledge of salting and

our heires and succcessors, give and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie to deuide all or any parte of the teritories herby graunted or menconed to be graunted as aforesaid into provinces, countties, citties, townes, hundreds, and parishes, or such other part or portions as he or they shall thinke fitt; and in them and every or any of them to apoint and alot outt such portions of land for publike vses, Ecclesiasticall and Temporall, of what kind soever, and to distribute, graunte, assigne, and sett over such perticuler portions of the said teritories, countyes, lands and premisses, vnto such our subiects or the subiects of any other prince or state* in amity with vs, our heires or succcessors, for such estates and in such manner and formes as to the said Sir Ferdinando Georges, his heires or assignes, shall seme meet and convenient, and the said person or persons according to the said estate and estates soe assigned and graunted, to have and inioy the same, and to make, erect, and ordaine in and uppon the said province and premisses, or on and uppon any of them, or any partes or parcel of them, soe many severall and distinct mannors as to the said Sir Ferdinando Georges, his heires and assignes, from time to tyme shall seme meete

† manors to assigne lymitts

and to apoint soe much land distinctly and severally for demesen lands of the said manors and every of them as to the said Sir Ferdinando Georges, his heires and assignes, shall and may seme necessary and fitt; and the said manors, or any of them, to call by such name and names as the said Sir Ferdinando Georges † shall please; the said manors to be houlden of the said Sir Ferdinando Georges, his heires or assignes, by such rents and services as to him or them shall seme meet: And also that the said Sir Ferdinando Georges, his heires and assignes, shall and may at there pleasure, graunt in freehold soe much of the said demesen lands, tenements, and hereditaments belonging or to be belonging vnto any of the said manors, to any person or persons, their heires or assignes, for and vnder such rents and services as to the said Sir Ferdinando Georges, his heires and assignes, shalbe thought fitt, to be houlden of the said Sir Ferdinando Georges, his heires and assignes, as of the said manors or any of them respectively; the acte of parliament made and enacted in the eighteenth yeare of King Edward the First, commonly called *Quia Emptores Terrarum*, or any other statute whatsoever, or any other matter or thing whatsoever to the contrary therof in any wise notwithstanding: And that the said Sir Ferdinando Georges, his heires and assignes, shall have, hould, and keepe within the said severall mannors soe to be made and erected such and soe many courts, as well Courts Leites as Courts Barons, as to our lawes and statutes of England shalbe agreeable. And Wee doe further

* then

† This part of the Record is not legible, but in the Copy before referred to the words which ought to fill up the blank are "*and to the same severall*"

† his heirs and assigns

ther for vs, our heires and succcessors, give and graunt vnto the said Sir Ferdinando Georges, his heires and assignes for ever, all admirall rights, benefitts, juridicons, and likewise all preuiledges and comodities to the said admiral juridicon in any wise belonging or apperteyninge in or upon the seas, rivers, and coasts of or belonging to the said province and premisses, and every or any of them, or within twentie leagues adioining to the said province or premisses or any of them, and in and vpon all other the creeks and rivers therof, and likewise power to heare and determine all manner of pleas for and concerning the same: Saving alwayes to vs, our heires and succcessors, and to the lord high admirall of England for the tyme being of vs, our heires and succcessors, all and all manner of juridicons, rights, powers, benefitts and authorities whatsoever, incident or belonging to the said office of high admirall, which it shall and may be lawfull from tyme to tyme to vs, our heires and succcessors, or to the lord high admirall of England for the time being to have, vse, and exercise within the said province and premisses, and the seas and rivers therof, or within twentie leagues of the same as aforesaid, when Wee shall thinke fitt. And Wee doe further for vs, our heires and succcessors, give and graunte vnto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie at any time or tymes hereafter, by him and themselves, or by his and their deputies to administer reasonable oathes to all judges, justices, magistrates and other officers whatsoever, by the said Sir Ferdinando Georges, his heires and assignes, or * there deputies, to be elected at the election of them to there severall offices and places, or within time convenient after: And alsoe that he the said Sir Ferdinando Georges, his heires and assignes, shall have full power and authoritie, as well by him or themselves as by † there deputies or other cheife magistrats or officers by him or them in that behaulfe to be apointed to give and administer reasonable oathes to all or any person or persons of what degree or qualitie soever employed or to be employed in or about the said province, premisses, and teretores aforesaid, or any of them, or in or about the coasts of the same; and likewise to all or any inhabitant and others that shalbe and remaine within the said province and premisses, or any of them, for the true and faithful execucon and performance of there severall chardges and places, as for the examinacon and clearinge of the truth, and likewise for the informacon and better direction of his and there iudgments in any cause or matter whatsoever and concerning the said Sir Ferdinando Georges, his heires or assignes, and any member, inhabitant, or person belonginge or repairing to the said province and premisses, or any of them or any parte of them; and in all accons, causes, suits and debates there to be begune and prosecuted as the nature of the cause shall require. And further of our more especiall grace, mere motion, and certaine knowledge, Wee doe herby for

* his or

† his or

vs, our heires and successors, graunte vnto the said Sir Ferdinando Georges, his heires and assignes, that it shall and may bee lawfull to and for the said Sir Ferdinando Georges, his heires and assignes, and every of them, from time to time, to set to sea s ch and foe many shippes, pinaces, barques, boates, and other vessells as shalbe thought fitt by the said Sir Ferdinando Georges, his heires and assignes, prepared and furnished with ordinaunce, artillerie, powder, shot, victualls, ammunicon, or other weapons and habiliments of warre, aswell invasive as defensive, in warlike manner or otherwise and with such number of men women and children as the said Sir Ferdinando Georges his heires and assignes shall thinke fitt in such voiadges into the said islands and places or any parts thereof aswell for the plantacon and for forticacon as otherwise and that these presents shalbe a sufficient licence and warrant for any person or persons that shalbe by him or them sent and employed thither to goe beyond the seas and in that manner foe as the persons foe to be shiped sent and transported as aforesaid be not such as are or for the time being, shalbe prohibited by proclamation of vs, our heires and successors, or by any order or orders of the lords and others commissioners for foraigne Plantacons for the time beinge. And Wee doe further for vs, our heires and successors, further covenant and graunte to and with the said Sir Ferdinando Georges, his heires and assignes, that only he the said Sir Ferdinando Georges, his heires and assignes, and his and there factors, agents, and such as shalbe employed, sent, licenced or allowed by him or them, and noe other person or persons whatsoever (except before excepted) shall repaire or goe into the said province of Maine and premisses aforesaid, and the places within the limitts and coasts therof, or any of them, to dwell, inhabite, and abide there nor have use or inioy there the liberties vse and priuiledges of trade and traffique unto in or from the said Province and premisses, or any of them, or buying selling, bartering or exchanging for or with any wares goods or merchandizes there whatsoever, and likewise that it shall and may be lawful to and for the said Sir Ferdinando Georges, his heirs and assignes, and for all and every other person and persons that shall be licenced or allowed by the said Sir Ferdinando Georges, his heires or assignes, from henceforth and at all times and from time to time, after the date of these our Letters Patents, according to the orders and constitucons of the said Sir Ferdinando Georges, his heires and assignes, not being repugnant to our proclamacons and orders of the Lords and others our commissioners aforesaid, to take convey carry and transporte for and towards the Plantacon of the said Province and premisses or any of them, or to be vsed there or in the passadge thether or returning thence; and there to leave, abide and inhabite all such and foe many of our loving subiects or any other straungers that will become our subiects and live vnder our allegiance, as shall willinglie transport themselves or be transported theither, and that such our subiects or straungers may together with
there

there persons, send carry or convey thither, aswell shipping armour-weapons, * munition, powder, shote and habilliments of warr as victuals canvas linen woollen cloth tooles implements furniture swine and pullen goods wares merchandize of all kinds and sorts whatsoever, fitt and necessary for the food and livelihood, habitacon, apparell or defence of our subiects which shall there inhabite or bee, and all other wares merchandize goods whatsoever, not prohibited by the lawes and statutes of our kingdome, paying custome and other dutties as other our subiects doe in such cases, And of our further royall favour Wee have graunted and by these presents for us our heires and successors Wee doe graunte to the said Sir Ferdinando Georges, his heires and assignes, that the aforefaid Province, rivers and places hereby before mentioned to be graunted or any of them, shall not be traded in or vnto, nor inhabited by any of the subiects of vs our heires and successors without the speciall licence of the said Sir Ferdinando Georges, his heirs and assignes and therfor Wee doe herby for vs our heirs and successors further chardge and comand, prohibit and forbid all the subiects of vs our heires and successors of what degree, qualitie, condicon foever they may be, that none of them directie or indirectlie presume to trade or adventure to traffique in or *habite* from nor to inhabite or † *habite* in the said Province of Maine islands dominiones places herby menconed or intended to be graunted, or any of them, other then the said Sir Ferdinando Georges, his heirs and assignes, and his and their deputies and factors, unless it be with the licence and consent of the said Sir Ferdinando Georges, his heirs and assignes, first had and obteyned in that behalfe ‡ vnder his or their hands and seals, vnder payne of our indignacon and also of such penalties and punishments as by the lawes and ordinances of the said Sir Ferdinando Georges, his heirs and assignes to be made in that behalfe, shalbe apointed; and wee do further for vs our heires and successors graunte vnto the said Sir Ferdinando Georges, his heirs and assignes, that all and every the persons being the subiects of us our heires and successors which shall goe and inhabite within the said Province and premisses or any of them, and all and every the posteritie, and children descending of English, Scottish or Irish parents, which shall hapen to be borne within the same or upon the seas in passing theither or from thence, and from henceforth ought to bee and shalbe reputed and taken to bee of the allegiance of vs our heirs and successors § and shall be able to plead and be impleaded, shall have power and be able to take by a discent purchase or otherwise, lands tenements or hereditaments and shall have and inioy all liberties, franchises and immunities of or belonging to the naturall borne subiects of this our kingdome of England, within this our kingdome and within all other our dominions to all intents and

* Ordnance † abide ‡ in writing
 natural born subjects of us, our heirs and successors,

§ and shall be for ever hereafter esteemed to be the

and purposes as if they had bin abiding and borne within this our kingdome or any other of our dominions : And wee do further for vs our heires and successors, give full power and authoritie vnto the said Sir Ferdinando Georges, his heires and assignes, or any person or persons to be thereunto nominated by the said Sir Ferdinando Georges his heirs and assignes, to give and administer oaths of supremacy and allegiance according to the formes now established within this our realme of England, to all and every such person and persons as they shall thinke fitt, that shall at any time or tymes goe or passe into the said Province and premiffes or any of them, or shalbe resident or abiding there. And our further will and pleasure is, and Wee doe by these presents for vs our heirs and successors, covenant and graunte to and with the said Sir Ferdinando Georges, his heirs and assignes, that if the said Sir Ferdinando Georges, his heirs or assignes, shall at any time or tymes hereafter, vpon any doubt which he or they shall conceave concerning the valeditic and strength of this our present graunte be desirous to renew the same frome vs our heirs or successors with amendment of any such imperfections and defects as shall appeare fitt and necessary to be reformed by vs our heirs and successors, that then vpon the humble peticon of the said Sir Ferdinando Georges, his heirs and assignes, such further and better assurance of all and singuler the premiffes before graunted or menconed and intended to be graunted according to the true mening of these our Letters Patent, shall from time to time by us our heirs and successors be made and graunted vnto the said Sir Ferdinando Georges, his heirs and assignes, as by the attorney-generall of vs our heirs and successors for the time being and the learned counsell of the said Sir Ferdinando Georges his heirs and assignes shalbe in that behalfe reasonably devised or advised ; and further Wee doe hereby for vs our heirs and successors, chardge and comaund, all and singuler admiralls, vice-admiralls, gencralls, comanderes, captaines, justices of peace, maijors, sheriffes, ballifes, constables, customeres, comptrolleres, collectors, waitters, searcherers, and all other the officeres and ministers of vs, our heirs and successors whatsoever, aswell * as hereafter for the time being, to be from time to tyme in all things aiding and assisting unto the said Sir Ferdinando Georges, his heirs and assignes, and to his and there officeres, factors and agents, and to every or any of them vpon request made as they tender our pleasure and will avoide the contrary at their perilles : And wee doe will, and further for vs our heirs and successors doe declare and ordyne, that the said Province and premiffes shalbe immediately subiect to our crown of England, and dependant vpon the same for ever ; and further Wee will and by these presents for us our heirs and successors, doe graunte to the said Sir Ferdinando Georges, his heirs and assignes, that these our Letters Patents, or the inrollment of them shalbe in all things, and to all intents and purposes, firme,

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good, effectuall and fuficient in law againſt vs, our heires and ſucceſſors, aſwell in all courts as elſewhere, within our kingdome of England, or any other our kingdomes or dominiones as in the ſaid Province and premiſſes aforeſaid, or any of them, and ſhalbe conſtrued, reputed and taken, aſwell according to the true meaning and intent, as to the words of the ſame, moſt benignely, favorably and beneficially, to and for the ſaid Sir Ferdinando Georges, his heires and aſſignes, no interpretation being made of any worde or ſentence, wherby God's word, true chriſtian religion now taught, profeſſed and maintained, the fundamentall lawes of this realme or our allegaunce to vs our heires and ſucceſſors may ſuffer prejudice or diminucion any omiſſion miſinformacon, want of certaine expreſſion of the contents limitts and bounds, or the certaine ſituacon of the ſaid Province and premiſſes aforeſaid, herby meant or intended to be graunted, or in what latitude or degree, the ſame are * or any law ſtatute or other cauſe or matter to the contrary notwithstanding: And although expreſſe mencon be not made of the true yearly value or certaintie of the premiſſes or any of them, and notwithstanding any miſnaming, and not certaine and perticuler naming of the ſaid Province, places, lands, teretories, heriditaments and premiſſes whatſoever before by theſe preſents given, graunted, confirmed, menconed and intended to be graunted and confirmed, or any parte therof, or the miſnaming or not naming, or not rightlie namage of the degrees or coaſts, wherin or whereupon the ſame or any of them doe lye or any acte of parliment, ſtatute, ordinance, proclamacon or reſtraint hertofore made, ordyned or provided, or any other thinge, cauſe or matter, to the contrary notwithstanding: Nevertheleſſe our intent and meaning is, that out of the premiſſes herby graunted or menconed to be graunted, there ſhalbe alwaies ſaved and reſerved to all and every ſuch perſon and perſons as have or hath any lawfull graunte, or graunts of lands, or plantacons lawfully ſetled in the deviſion and premiſſes aforeſaid, the free houlding and inioying of his and there right, with the liberties therunto appertaining, hee and they relinquifhing and laying downe his and their Jura Regalia, if he or they have any to the ſaid Sir Ferdinando Georges, his heires and aſſignes, whome Wee have herby made propriator of the Province, diviſion and premiſſes aforeſaid, and paing ſome ſmall acknowledgement to the ſaid Sir Ferdinando Georges, his heires and aſſignes †. In witnes wherof wee have cauſed theſe our Letteres to be made Patrents. Witnes our ſelfe at Weſtminſter the third day of Aprill, in the ſeventh yeare of our raigne.

* or any Defect in theſe preſents.

† In the Copy from the Rolls Office the following Words are added; "*for that he or they are now to hold their Lands anew of the ſaid Sir Ferdinanda Georges, his heirs and aſſignes.*"

GENERAL Court's Answer to the Grand Jury's Enquiries of March
5th, 1638.

[Plymouth Records Lib. B. Fo. 57.]

At a General Court 3 May 1639.

WHEREAS vpon a proposicon made by the Grand Inquest at the General Court held the fift day of March 1638 by what virtue and power the Governor and Assistants doe give and dispose of lands either to particular persons or Towneshippes and plantacons whereupon ever since there hath beene a Cessacon of the graunt of lands to any persons by the Government And now upon hearing and debatering the controversies matters and differences about and concerning the same in the publicke Court And whereas there was a large sume of money disbursed by those that held the trade viz. Mr Bradford Mr Prence Captaine Standish and the rest of their partners for the enlargement of the Patent of New-Plymouth in New England In consideracon that all controuersies and differences about the same may hereafter cease and determine whether betwixt the Purchasers, Old commers, Freemen or others about the same The Court hath by mutual assent and consent of all a-swell Purchasers Old Commers as freemen enacted and concluded that there shalbe three hundred pounds sterling (or so much as shalbe required not exceeding the said sum of three hundred Pounds) paid to those that hold the trade viz. Mr. Bradford Mr. Prence Captain Standish, and the rest of the Partners towards the charges of the enlargement of the said Patent if the same shalbe required out of the personal Estats of the said Mr Bradford Mr Prence Captain Standish and the rest of the partners which said three hundred pounds or lesser sume shall be levyed upon the Plantacon by such equall way as shalbe thought meet And that the purchasers or Old Commers shall make choyce of two or three places for themselves and their heires before the next December Court, and that after such choyce is made and established all the residue of the lands not formerly graunted forth either to plantacons or particular persons shalbe assigned and surrendered into the hands of the whole body of the Freemen to be disposed of either by the whole Body or by such persons as shalbe by the whole Body of Freemen assigned and authorized And that all lands already graunted either to plantacons or particular persons shall stand and remayne firme to them their heires and assignes forever to whom they are so given and graunted. Provided that all lands shalbe now free to graunt to such persons as stand in neede in the Plantacons now made save that there shalbe no more plantacons erected until the purchasers have made

made their choyce as aforesaid. And whatsoever shalbe further materiall and requisite in law for the confirmeing and establishing that act and order It shalbe done by Counsell to the intents and purposes herein contained and expressed if neede require.

ABSTRACT of a Conveyance of Lands at PAGISCOTT.

[Massachusetts Records.]

“THE 22d Day of the 5th Month Anno 1639—Thomas Purchase of Pagiscott—for divers good Causes and Considerations—grants to John Winthrop and his Successors the Governor and Company of the Massachusetts forever, All that Tract of Land at Pagiscott aforesaid upon both Sides of the River of Androskoggin being 4 miles square towards the Sea; with all Liberties and Priviledges thereunto belonging, so as they may plant the same with an English Colony when they shall see fitt, and shall have as full Power forever to exercise Jurisdiction there, as they have in the Massachusetts: Provided that the Interest and Possession of such Lands as the said Thomas now use or shall make use of for his own Stock and Improvement within seven years next ensuing the Date hereof, shall be and remain to the said Thomas, and his heires and assignes for ever under the Jurisdiction aforesaid; And as well the said Thomas himself, and his Family and his heires and Assignes, as all other the Inhabitants upon the said Lands are for ever to be under the due protection of the said Governor and Company by order of the General Court, as other Inhabitants of the same Jurisdiction are, This grant by approbation of the said Generall Court to be Recorded and exemplified under the Common Seal, otherwise to be void.”

Signed, &c. in the Presence of

Stephen Winthrop

Thomas Lechford

Amos Richardson.

Pro ROGERO WINGATE.

[Rymer, Vol. XX. P. 382. A. D. 1639.]

REX, sexto die *Augusti*, concedit *Rogero Wingate* Armigero, Officium Thesaurarii Regis, infra Dominium de *Virginia*, durante vita.

P. S.

COMMISSION *and* ORDINANCES *from* SIR FERDINANDO GEORGES,
to SIR THOMAS JOSSELIN *and others.*

[Records Inf. Court York County Massachusetts.]

TO all Christian people to whome this present writinge shall come I Sir Ferdinando Georges Lord proprietor and owner of the province of Maine in New England in America doe send greting in our Lord God Everlasting, know yee that wheras it hath pleased the kings most Excellent Maiestie to take into his owne actuall and reall pofession all the Teretories and tracts of land now called New England in America and hath out of his royall favour by his royall Charter vnder the great seale of England bearinge date the third day of Aprill in this present Tenth year of his highnes Raigne, graunted and confirmed vnto me the said Sir Ferdinando Georges all that parte and porcon of land lyng and being in New England aforesaid, which by the meetes and bounds therof extendeth itself from the entrance of Pascataway harbour vnto the River of Sagadahocke and foe vp into the maine land one hundred and twentie milles and hath declared his royall pleasure that the said portion of maine land aforesaid shalbe henceforth called and named the Province of Maine with all the soyles riveres and brookes therof and hath also by his said royall Charter given me power and authoritie to make and establish ordinances for the better gouernment and welfare of the inhabitants of the said province and publike peace therof with diueres other royalties pruilidges and Imunities as by the said royall Charter a true Copy wherof is hereunto annexed, wherunto relacon being had mor at large it doth and may appeare By vertue wherof I have vpon deliberate Consideracon made and established the ordinaunces vnto this comission subscribed for the better gouernment of my said province and until my further pleasure shall be signified for the revocacon and making voide therof or untill I shall assemble the freholders of my said province for enacting such lawes and statuts as may agree with the welfare of the publike state of the said province Wherfore of the speciall good opinion which I have conceived of my trusty and welbeloued Sir Thomas Josselin knight Richard Vynes Esquire my Steward generall Francis Champernon Esquire my louing Nephew Henry Josselin and Richard Bonithton Esquires William Hooke and Edward Godfree gentlemen I doe hereby constitute ordaine and appoint them the said Thomas Josselin knight Richard Vynes Francis Champernon Henry Josselin and Richard Bonithton Esquires William Hooke and Edward Godfree gentlemen to be my Counselors for the due execucon of Justice in such manner and forme as by my ordinances hervnto subscribed is directed and as by the said annexed royall Chatter

I am

I am enabled and doe alsoe give them power and authoritie to administer oaths to any person or persons within my said province for there better direcccon and clearing of the truth in any cause or matter that shall depend before them and to doe and performe all other things vnto the execucon of Justice belonging in such manner and forme as by my said subscribed ordinances is ordeyned and the said royall Charter I am authorized And I doe alsoe give full power and authoritie unto the said Richard Vynes Esquire my said Steward generall to administer the oaths of Allegaince according to the forme vsed in this his Majesties realme of England, and the oath in the said ordinances expressed vnto the rest of my said Councelors and after the administraction therof vnto them as aforesaid I doe will and authorize them or any two of them to administer the said oaths vnto the said Richard Vynes, and soe to proceed to the execucon of iustice according to the power vnto them given in my said ordinances as by the said annexed Coppy of royall Charter I am appointed, and for soe much as there hath been severall complaints to mee exhibited against the piracies spoyles and other dangerous attempts that have bin made vpon the Inhabitants of my said province by the natives and other piraticall persons contrary to the law of nations and to the disheartning of other good subiects to be planters therein for prevention wherof I doe by the vertue of the power to me given by his Majestie said Royall Charter give full power and authoritie vnto my said Councelors or any five of them wherof the said Sir Thomas Josselin or Richard Vynes Esquires to be one by there Comission vnder there hands and scales directed to the Provost Martiall or such other person or persons as they shall thinke fitt to leavy arms and take such forces as the said province will afoard and therewith to make head either by land or by sea against such piratts or other persons and to use all the meanes they can for the vanquishing of them or driving them out of the said province and if it shall soe please God to apprehend kill or take them, and being taken to proceed against them according to marshall law or otherwise to determine of them as by the said councill shalbe thought convenient or the maior voyce of them shall adiudge at there next assembly or sessions to be held after aprehencion of such piratts or other persons. All which Sessions or other Assemblies are by them to be held at such convenient tymes as they or the greater parte of them wherof the said Sir Thomas Josselin or Richard Vynes Esquire to be one shall thinke fitt for the due Execucon of the said ordinances which ordinances doe follow in these words.

Ordinances made established and ordeyned by me Sir Ferdinando Georges Knight Lord Proprietor and owner of the Province of Maine in New England in America, which ordinances are to be putt in execucon by my trusty and welbeloued Sir Thomas Josslin Knight Richard Vines Esquire my Servant and Steward generall my loving nephew Francis Champernone Esquire Henry Josslin and Richard Bonithton esquires William Hooke and Edward Godfree gentlemen and such

otheres as shalbe by me appointed hereafter to be of my Counsell in my said province
 For soe much as I have desired nothing more then the happines of those Plantacons
 of New England in generall and of the peaceable government of my said province
 the same being wholly appropriated to me my heires and assignes with full power
 and authoritie to dispose of matters both for government and Teretore as may best
 sorte with the happines of the inhabitants therof By vertue wherof I have thought
 fitt to nominate and appointe you my trusty and welbeloved Sir Thomas Joslin
 Knight and the rest of the persons above named to be my Counsellors for the due
 Execucon of my ordinances according to the power to me given by the said royall
 Chartter during my will and pleasure only and I doe therefore give full power and au-
 thoritie vnto the said Sir Thomas Joslin and my said Steward generall or either
 of them to call together soe many of the said Counsell as shalbe sufficient to deter-
 mine and order such suites and causes as shall be comenced or depend before them
 And that there may be a place appointed for the hearing and determining of causes
 I have thought to assigne the same to be as nere as may be in the midst of that parte
 of the province which is most inhabited and that there be a house builte for that pur-
 pose at my own chardge if it cannot otherwise be setled. And I doe ordeine that
 your meeting be vpon a day certaine to be appointed by the said Counsell or any
 three of them wherof the said Sir Thomas Joslin or Richard Vynes Esquire to be
 one And I doe give my said Counsellors or any three of them wherof the said Sir
 Thomas Joslin or Richard Vynes Esquire to be one full power and authoritie
 and doe ordeyne and declare that at there said meeting they shall examine heare and
 determine all muttines Felloneyes Murderes Rapes Manslaughter Burglaryes petty
 Larcenyes Forgeries perjuries adultryes Incests Fornicacones spreaderes of false
 newes Drunkenes Swearing asstrayes Ryottes Routes and vnlawfull assemblies And
 doe ordeyne that my said Counsell or any three of them wherof the said Sir Thomas
 Joslin or Richard Vynes Esquier to be one shall inflist such paynes and punishments
 vpon any person or persones duly convicted or found guiltie before them for com-
 mitting of the offences aforesaide as by his maiestie lawes and statutes here in his ma-
 iesties Realme of England are made and ordeyned for punishment of the like offen-
 ces, in as large and ample manner as I am enabled by the said royall chartter to doe
 and performe the same. And I doe further ordeyne that my said Counsellors or any
 three of them wherof the said Sir Thomas Joslin or Richard Vines Esquire to be one
 shall heare determine and order all complaintes to them exhibited within my said
 province for controversies arising betweene partie and partye touching breach of co-
 venantes debts detinues bondes bills legacies and all other matteres that may con-
 cerne any person or persones in there goods chattells or frehold, and to make such or-
 deres therein for the relief of the complaynant vpon hearinge therof as the iustice
 and equitie of the matter or cause shall deserve and as to his maiestie lawes and statutes

in this his highnes Realme of England are agreeable, and alsoe to awarde such costs or damages to the plaintiffe or defendant as they shall thinke fitt vpon the hearing therof in such manner and forme as by the said royall charter I am in abled and authorized. And I doe further ordyne that my said Counsell or any three of them wherof the said Sir Thomas Joslin or Richard Vynes to be one shall have power and authoritie to punish any person or persons that shall breake or not give obedience vnto such orderes as they shall make at these said sessions or meetings and shall inpose fines vpon the persones soe breaking them and comitt them to prison till they shall yeeld obedience therevnto, And that there may be a orderly course held for fumonninge of appearance to those that shalbe called to answer before my said Counsellors I have assigned this short forme of proces to be there vsed viz To our welbeloved A. B. greeting These are to will and command you to come and appeare before vs the Councell established in the province of Maine vpon the day of to answer to the complaintes of

Given vnder our handes and Seales And in case of any felonie or capitall crime, the warrant is to be directed to the provost martiall or the constable of the peace and to be after this forme These are to will and comand you presently vpon receite herof to take with you a sufficient guard and to vse your best meanes for the apprehension of A. B. and him to bring before me to answere vnto such matter of felony as shalbe objected against him herof faile not and the delinquent soe apprehended is by the constable to be kept either in irones or some strunge house or to sett a garde vpon him vntill he shall give sufficient securitie for his appearance at the next generall sessions to be by the said Counsell held for the saide province, or shalbe otherwise disposed by the said counsell or any two of them wherof the said Sir Thomas Jofslin or Richard Vynes Esq. to be one. And I doe further ordeyne that you shall appoint some sufficient Clarke to register all your proceedinges and recorde all your orderes of Court and to assigne such other officeres to attend your said Courte as shall be fitt. And I doe further ordeyne that if any persone or persones shall conteme or refuse to give obedience vnto such order or orderes which you shall make at anyof your saide metinges or sessions and being duly convicted therof, that then you assigne your prouost martiall to goe with a sufficient garde and to apprehend such a delinquent and him to kepe in safe prison till his cause be further ordered, and in case resistance be made that then the prouost martiall proceed to kill or otherwise apprehend and take such resistes as in case of rebellion or mutiny you given him warrant vnder your handes and seales for soe doing which warrant is to goe after this forme Forasmuch as sufficient prooffe hath bin made before vs of the contemptuous and mutinous caridge of These are therefore straightlie to charge and comand you that you take with you a strong and safe garde well armed and that you omitt not to apprehend the said and him to bring before vs or some of vs to be further deale withall according to the nature of his crime

crime But in case there shalbe resistance made or that he shall fortifie his house against you, that then you omitt not by fier or otherwise to proceed in the execucon of this our warrant as against a publike enemye or dangerous Rebell Gyven vnder our handes and seales. But before this is to be graunted I doe ordeyne that the court shall proceed to a deligent hearing of the complaints and to be well assured of the truth of those contempts he stands acused of, which done sentence is to be given and recorded specifying the proofes whereupon the order is grounded And I doe further ordeyne that for the execucon of such orderes and kepeing all manner of prisoners you make a provost martiall who is to have a fitt house builte for that purpose at the comon charge for that it is for the publike good And I doe further ordeyne and declare that my said counsellors and every of them shall before they intermedle with the hearing ordering or punishing any of the matters or offences before rehearsed, take the oath of Allegeaunce according to the forme now vsed in this his highnes' Realme of England, and shall alsoe take the oath herevnto subscribed for the due execucon of Justice without respect of persones, and that they presume not to intermedle therein till they have taken the said oaths, and that to be done at the first publike sessions which they fit for the execucon of these my ordinances, which oath for the execucon of Justice followeth in these words I doe sweare and protest before God Almightye and by the holy contentes of this booke to be a faithfull sarvant and counsellor vnto Sir Ferdinando Georges knight, my Lord of the province of Maine and to his heires and assignes, to doe and performe to the vttmost of my power all dutifull respects to him or them belonging, concealing there counsells and without respect of persones to doe performe and give my opinion in all causes according to my conscience and best vnderstanding, both as I am a counsellor for hearing of causes and otherwise frely to give him or them my opinion as I am a counsellor for matters of state or commonwealth, and that I will not conceale from him or them and there Councell any matter of conspiracie or mutinous practice against my said Lord his heires and assignes, but will instantly after my knowledge thereof discover the same vnto him and his said Councell, and by all meanes seeke to prevent the same, and prosecute the authours thereof with all delligence and seueritie according to justice, and therupon doe humble kisse the booke. And lastly I doe ordeyne that comission and ordinaunces be publicly read at the first assemble and sittinge of my said Councell wherby the Inhabitants of my said province may know how they are to be governed, In witness wherof I have vnto this my said comission and ordinaunces putt my hand and seale this second day of September in the fiftenth yeare of the raigne of our most gracious soveraigne lord King Charles Anno Domini 1639.

COMBINATION *of the Settlers at* EXETER *in* NEW-HAMPSHIRE.

[Exeter Records.]

WHEREAS it hath pleased the Lord to move the Heart of our dread Sovereign Charles by the Grace of God King &c. to grant Licence and Libertye to sundry of his Subjects to plant themselves in the Westerne parts of America. We his loyal Subjects Brethren of the Church in Exeter situate and lying upon the River Pascataqua with other Inhabitants there, considering with ourselves the holy Will of God and our own Necessity that we should not live without wholesom Lawes and Civil Government among us of which we are altogether destitute; do in the name of Christ and in the Sight of God combine ourselves together to erect and set up among us such Government as shall be to our best discerning agreeable to the Will of God, professing ourselves Subjects to our Sovereign Lord King Charles according to the Libertyes of our English Colony of Massachusetts, and binding of ourselves solemnly by the Grace and help of Christ and in his Name and fear to submit ourselves to such Godly and Christian Lawes as are established in the realm of England to our best Knowledge, and to all other such Lawes which shall upon good grounds be made and enacted among us according to God that we may live quietly and peaceably together in all godliness and honesty. Mo. 8. D. 4. 1639 as attests our Hands.

John Whelewright,
Augustine Starr,
Thomas Wright,
William Wentworth,
Henry Elkins,
George Wolton,
Samuel Walker,
Thomas Pettit,
Henry Roby,
William Winborne,
Thomas Crawley,
Christopher Kelme,

Darby Field,
Robert Read,
Edward Rushworth,
Francis Matthews,
Godfrey Derborne,
William Wardhall,
Robert Smith,
Ralph Hall,
Robert Soward,
Richard Biellyer,
Christopher Lawson,
George Barlow,

Richard Morris,
Nicholas Needham,
Thomas Wilfon,
George Rawbone,
William Cole,
James Wall,
Thomas Leavitt,
Edmund Littlefield,
John Cramme,
Philemon Purmot,
Thomas Wardhull.

REPORT of Arbitrators at PROVIDENCE, containing Proposals for a Form
of Government.

[Records of Suffolk County, Massachusetts.]

Providence the 27th of the 5th mo. in the yeare (so called) 1640.

WEE Robert Coles Chad Browne William Harris and John Warner being freely chosen by the consent of our loving freinds and neighbours the Inhabitants of this Towne of Providence, having many differences amongst us, they being freely willing and also bound themselves to stand to our Arbitration in all differences amongst us to rest contented in our determination being so betruſted we have seriously and carefully indeavourd to weigh and consider all those differences being desirous to bringe to vinity and peace, although our abilities are farr short in the due examination of such weighty things, yet so farre as we conceive in laying all things together we have gone the fairest and the equallest way to produce our peace.

1. Agreed, We have with one consent agreed that in the paring those particler proprieties which some of our friends and neighbours have in Patuxit from the general Common of our towne of Providence to run vppon a streight line from a fresh spring being in the Gulley, at the head of that cove running by that point of land called Saxafraſ into the towne of Mashipawog to an oake tree standing neere vnto the corne field being at this time the neereſt corne field vnto Patuxit, the oake tree having four marks with an axe, till some other land marke be set for a certaine bound. Also we agree that if any meadow ground lyeing and joineing to that Meadow, that borders vppon the River of Patuxit come within the foresaid line, which will not come within a streight line from long Cove to the marked tree then for that meadow to belong to Pawtuxit, and so beyond the towne of Mashipawog from the oake tree between the two fresh Rivers Pawtuxit and Wanaſquatucket of an even Distance.

2. Agreed. We have with one consent agreed that for the disposing of those lands that shall be disposed belonging to this towne of Providence to be in the whole Inhabitants by the choise of five men for generall disposeall to be betruſted with disposeall of lands and also of the townes Stocke, and all Generall things and not to receive in any in six dayes as townesmen but first to give the Inhabitants notice to consider if any have just cause to shew against the receiving of him as you can apprehend, and to receive none but such as subscribe to this our determination. Also we agree that if any of our neighbours doe apprehend himsele wronged by these or any of these 5 disposers, that at the Generall towne meeting he may have a tryall.

Alsoe

Alsoe wee agree for the towne to choose beside the other five men one or more to keepe Record of all things belonging to the towne and lying in Common.

Wee agree, as formerly hath bin the liberties of the town, so still, to hould forth liberty of Conscience.

III. Agreed, that after many Considerations and Consultations of our owne State and alsoe of States abroad in way of government, we apprehend, no way so suitable to our Condition as government by way of arbitration. But if men agree themselves by arbitration, no State we know of disallowes that, neither doe wee: But if men refuse that which is but common humanity betweene man and man, then to compel such vnreasonable persons to a reasonable way, we agree that the 5 disposers shall have power to compell him either to choose two men himsele, or if he refuse for them to choose two men to arbitrate his cause, and if these foure men chosen by every partie do end the cause, then to see theire determination performed and the faultive to pay the Arbitrators for theire time spent in it: But if those foure men doe not end it, then for the 5 disposers to choose three men to put an end to it, and for the certainty hereof wee agree the major part of the 5 disposers to choose the 3 men, and the major part of the 3 men to end the cause haueing power from the 5 disposers by a note under theire hand to performe it, and the faultive not agreeing in the first to pay the charge of the last, and for the Arbitrators to follow no employment till the cause be ended without consent of the whole that haue to doe with the cause.

Instance. In the first Arbitration the offender may offer reasonable termes of peace, and the offended may exact vpon him and refuse and trouble men beyond reasonable satisfaction, so for the last arbitrators to judge where the fault was, in not agreeing in the first, to pay the charge of the last.

IV. Agreed, that if any person damnify any man, either in goods or good name, and the person offended follow not the cause vpon the offender, that if any person giue notice to the 5 Disposers, they shall call the party delinquent to answer by Arbitration.

Instance. Thus, if any person abuse an other in person or goods, may be for peace sake a man will at present put it vp, and it may so be resolue to revenge: therefore, for the peace of the state the disposers are to looke to it in the first place.

V. Agreed for all the whole Inhabitants to combine ourselves to assist any man in the pursuit of any party delinquent, with all our best indeavours to attack him: but if any man raise a hubbub, and there be no just cause, then for the party that raised the hubbub to satisfy men for theire time lost in it.

VI. Agreed, that if any man have a difference with any of the 5 Disposers which cannot be deferred till general meeting of the towne, then he may have the Clerk call the towne together at his

for a tryall.

Inflance. It may be a man may be to depart the land, or to a farr parte of the land, or his estate may lye vpon a speedy tryall or the like case may fall out.

VII. Agreed, that the towne by the five men shall give every man a deed of all his lands lying within the bounds of the Plantation to hould it by for after ages.

VIII. Agreed, that the 5 disposers shall from the date hereof meete every month-day vpon General things and at the quarter-day to yeeld a new choise and give vp their ould Accounts.

IX. Agreed, that the Clerke shall call the 5 Disposers together at the month-day and the generall towne together every quarter, to meete vpon generall occasions from the date hereof.

X. Agreed, that the Clerke is to receive for every cause that comes to the towne for a tryall 4*d.* for making each deed 12*d.* and to give vp the booke to the towne at the yeeres end, and yeeld to a new choice.

XI. Agreed, that all acts of disposall on both sides to stand since the difference.

XII. Agreed, that every man that hath not paid in his purchase money for his Plantation shall make vp his 10*s.* to be 30*s.* equal with the first purchasers: and for all that are received townsmen hereafter to pay the like summe of money to the towne stocke.

These being those things wee have generally concluded on, for our peace, we desiring our loving friends to receive as our absolute determination, laying ourselvs downe as subjects to it.

ORDER *about Old Comers or Purchasers* December 1st 1640.

[Plymouth Colony Records.]

WHEREAS by the Act of the general Court held the third day of March 1639 It was agreed vpon That the Purchasers or old Comers shall make choyce of two or three Plantacons for themselves and their heires by this December Court now the said Purchasers or old Comers doe signifie vnto the Court that accordingly they have made choyce of these three places, viz. First from the bounds of Yarmouth three miles to the Eastwards of Naemkeckett and from Sea to Sea crosse the neck of land, The second Place of a place called Acconqueffe (alias) Acokus which lyeth in the bottome of the Bay adjoyneing to the west Side of Poynt Perrill and two miles to the westerne side of the said River to another place called Acquissent River which entereth at the westerne end of Nickatay and two miles

miles to the Eastward thereof and to extend eight miles vp into the Countrey. The Third place from Sowamsett River to Patuckquett River with Canstantine neck which is the chiefe habitacon of the Indians and reserved for them to dwell vpon extending into the land eight miles through the whole breadth thereof, the which choyce being made as aforesaid and allowed in the Court Mr Wm. Bradford for himself and his associates doth tender a surrender to the Body of Freemen of all the rest of the lands within the Patents (which are not graunted to plantacons in generall or persons in particuler) And the said William Bradford is ready further to confirme the same on the parte and behalfe of himself and his associats to the body of the Freemen when he shalbe required.

The Names of the Purchasers.

Mr William Bradford	Francis Cooke	John Winslow
Mr Thomas Prence	Jonathan Brewster	John Shaw
Mr William Brewster	Edward Banges	Josiah Pratt
Mr Edward Winslow	Nicholas Snow	John Adams
Mr John Alden	Mr Steven Hopkins	Billington
Mr John Jenney	Thomas Clarke	Phineas Pratt
Mr Isaac Allerton	Raph Wallen	Samuell Fuller
Captain Myles Standish	William Wright	Clement Briggess
Mr William Collyare	Elizabeth Warren widow	Abraham Pearse
Mr John Howland	Edward Dote	Steephen Tracy
Manasseh Kempton	Cutbert Cutbertson	
Joseph Rogers	William Bassett	Moyse Symonson
John Faunce	Franc. Sprague	George Soule
Stephen Doane	The heires of John Crakston	Edward Holman
Thomas Cushman	Edward Bumpas	Mr James Sherley
Robte Hiccks	William Palmer	Mr Beauchampe
Thomas Morton	Peter Browne	Mr Andrewes
Anthony Annable	Henry Sampson	Mr Hatherley
Samuel Fuller	Experience Michell	Mr William Thomas
Francis Eaton	Phillip Delanoy	In all 58

WILLIAM BRADFORD, &c. *Surrender of the Patent of PLYMOUTH COLONY to the Freemen, March 2d 1640.*

[Plymouth Records.]

WHEREAS divers and sondry Treaties have beene in the Publicke generall Courts of New-Plymouth his majestie our dread Sovereigne Charles by the grace of God King of England Scotland France and Ireland &c concerning the proper Right and title of the Lands within the bounds and limitts of his said majesties Letters Patents graunted by the Right Honorable his majesties Counsell for New England ratified by their Comon Seale and signed by the hand of the Right Honorable Earle of Warwicke then President of the said Counsell to William Bradford his heirs associates and assignes beareinge date &c And whereas the said William Bradford and divers others the first Instruments of God in the beginninge of this greate work of Plantacon together with such as the Alorderinge God in his Providence soone added vnto them have beene at very greate charges to procure the said lands priviledges and freedoms from all entanglements as may appeare by diuers and sondry deeds enlargements of graunts purchases payments of debts &c by reason whereof the title to the day of this present remayneth in the said William his heires associats and assignes now for the better setling of the state of the said land aforesaid the said William Bradford and those first Instruments termed and called in sondry orders vpon publick Record the Purchasers or Old Comers witnes two in especiall the one beareinge date the third of March 1639 the other in December the first 1640 wherevnto these presents have speciall relacon and agreement and whereby they are distinguished from other the freemen and Inhabitants of the said Corporation Be it knowne vnto all men therefore by these presents That the said William Bradford for himself his heires together with the said purchasers do onely reserve vnto themselves their heires and assignes those three tracts of land menconed in the said resolvcon order and agreement beareinge date the first day of December 1640 viz. first from the bounds of Yarmouth three miles to the Eastward of Naemskeckett and from Sea to Sea crosse the said neck of land The second of a place called Acconquesse (alias) Acockus which lyeth in the bottome of the Bay adjoyneing to the west side of Poynt Perrill and two miles to the westerne side of the said River to another place called Acquissent River which entereth at the westerne end of Nickatay and two miles to the Eastward thereof and to extend eight miles vp into the Countrey The third place from Sowamssett Ri-

ver to Patuckquett River with Consumpsit neck which is the cheef habitation of the Indians and reserved for them to dwell vpon extending into the land eight miles through the whole breadth thereof, together with such other smale percells of lands as they or any of them are personally possessed of or interested in by vertue of any former titles or graunts whatsoever and the said William Bradford doth by the free and full consent approbacon and agreement of the said Old Planters or Purchasers together with the liking approbacon and acceptacon of the other part of the said Corporacon surrender into the hands of the whole Court consisting of the Freemen of this Corporacon of New-Plymouth all that ther right and title power authority privileges immunities and freedoms graunted in the said Letters Patents by the said Right Honorable Councell for New England reserueing his and their personall Right of Freemen together with the said old Planters aforesaid except the said Lands before excepted, declaring the Freemen of this present Corporacon together with all such as shall be legally admitted into the same his associates And the said William Bradford for him his heires and assignes doe further hereby promise and graunt to doe and performe whatsoever further thinge or thinges act or acts which in him lieth which shalbe needfull and expedient for the better confirmeing and establishinge the said premisses as by Counsell learned in the Laws shalbe reasonably advised and devised when he shalbe therevnto required In witnes whereof the said William Bradford hath in Publicke Court surrendered the said Letters Patents actually into the hands and power of the said Court bynding himselfe his heires executors administrators and assignes to deliver vp whatsoever specialties are in his hands that do or may concerne the same.

Memorand. That the said surrender was made by the said William Bradford in publicke Court to Nathaniel Sowther especially authorized by the whole Court to receive the same together with the said Letters Patents in the name and for the use of the whole Body of Freemen.

It is ordered by the Court that Mr William Bradford shall have the keepinge of the said Letters Patents which were afterwards delivered vnto him by the said Nathaniel Sowther in the Publick Court.

FIRST CHARTER of ACOMENTICUS, now YORK.

[MSS. Orig.]

TO all to whome theis presents shall come I Sir Ferdinando Gorges Knight Lord of the Province of Maine within the Territories of New England in America send Greeting Whereas the Planters and Inhabitants of Acomenticus in New-England have settled themselves together in one Body in manner of a Towne in expectacon of a Graunt to be made vnto them from mee the said Sir Ferdinando Gorges to be thereby incorporated and created into one body politique and corporate for the better regulating and gouernment of all the people that nowe are and hereafter shalbe resident within the limitts and precincts of Acomenticus aforesaid, and for the better settlement and ordering of the affaires and busines of the planters and Inhabitants there from time to time happening within the said Towne of Acomenticus and have beene humble Suiters unto me the said Sir Ferdinando Gorges to graunt vnto them a Charter of Incorporacon on that behalfe Nowe knowe yee therefore that I the said Sir Ferdinando Gorges for the better incouragement of all the present Planters and Inhabitants of Acomenticus and of all such other person and persons as shall att any time hereafter be minded to settle and inhabit within the Limitts of the saide Towne to proceed in soe pious and lawdable an Intention and to the end that they may haue and exercise civile Gouvernment amongst themselves as becometh his Majesties leige people exempted and freed from any power and Comaund of other the Gouvernors of the Residue of the said Province of Maine other then in calling them as assistants with force and armes to joyne in levying of power to suppress such Enemyes as shall invade the said Province and trench by force of Armes upon the liberties and priviledges belonging to me or the Lord of the said province for the time being, or shalbe rebellious against the course of Justice there I the said Sir Ferdinando Gorges have erected made ordayned and established And by the Tenor of theis presents doe for me my heiros and assignes create make ordaine and establish the Planters and Inhabitants of Acomenticus aforesaid into one bodie politique and corporate in fact deed and name from henceforth forever hereafter to continue by the name of the Maior Aldermen and of the Towne of Acomenticus within the Province of Maine and by that name to have perpetuall Succession forever and be persons able and capable in Lawe to have take and purchase any lands tenements and hereditaments goods and chattells whatsoever to them and their successors, and to dispose bargain sell alien and demise the same at their free will and pleasure and by that name to plead and be impleaded in any Court or Courts of Justice whatsoever within the limitts of the said Province And that

that the said Body politique and corporate and their Successors forever hereafter shall have one Towne Hall for the dispatch of their affaires and busines belonging to the said Corporacon and that they shall have power by their presents there to assemble themselves together and to keepe Courts from three Weekes to three Weekes or oftener if need shall require for the hearing and determining of Civile Causes betwene partie and partie by plaint and plea or Bill and Answers vppon which the Maior and Aldermen for the time being or any three or more of them whereof the Maior for the Time being to be one shall proceed to triall of any Civile Cause or Causes vppon all such allegacons and proffes as shall be produced without calling together of any other persons or Jurors which in Civile Causes is a custome needles and preiudiciall to such proceedings, but that the said causes shalbe determined and sentence ordered by the present Judges of each Court for the time beinge by most voices of such Judges of the Court as have had the hearing of the cause or causes or matters in variance debated before them And for the better effecting thereof there shalbe created erected and ordained within the said Body politique and corporate one Maior and eight Aldermen and one Recorder and that the Maior for the time being shall from time to time be elected and chosen out of the said nyne persons in manner and forme hereafter expessed (that is to say) the said eight Aldermen shall vppon the first Tuesday in every Easter weeke nominate three of the said number of nyne persons vnto the Inhabitants of Acomenticus who by the voices of the Burgeffes and the rest of the said nyne persons or the maior part of them shall elect one of the said three persons to be the succceeding Maior for the yeare following who shalbe sworne to execute that office by the precedent Maior vppon the first Tuesday in the Whitson weeke att which time the precedent Maior shall resign his place And for the better performance and execucon of the said office of Maior and administraction of Justice within the Limitts of the said Corporacon the precedent Maior shalbe one Justice of the peace more there for the yeare ensueing And that it shall be lawfull for them to have a Common Seale for their use and to alter and change the same att their pleasure; And alsoe to haue one Comon Goale for imprisoning of Delinquents or Debtors And alsoe that it shalbe lawfull for the said Maior and Aldermen to ordaine and appoint one or more officer or officers to execute precepts attachments or execucons or to arrest the bodie or bodies of any person or persons after action entered vppon Record in their Courte Booke And alsoe to have a Towne Clarke and to appoint reasonable fees to all such officers and ministers, and to conceave oathes fitting for such officers, and to administer such oathes vnto them before the Maior for the time being And I the said Sir Ferdinando Gorges doe by the Tenor of their presents ordaine and appoint that the Maior and Aldermen of Acomenticus or maior part of them shall from time to time keepe Sessions of the Peace in the said Towne hall for the Dispatch of Criminall Causes and shall proceed in the same by Indictment and tryall

tryall of such causes by a Verdict of Jurors Provided that noe proceedinge in Causes Criminall be contrary to the Lawes of England nor for offences committed out of the limitts and bounds of the said Corporacon nor for any criminall cause which concerns the life or member of any person for any fault committed within the limitts of the said Corporacon which shall extend East West North and South three miles every way distant from the Church Chappell or place ordayned or intended for a Church Chappell or Oratory belonging to the Plantacon of Acomenticus And that they shall have two severall Books wherein all proceedings both in Criminall and Civill causes, shall be recorded and registred that they may give an accompt of such proceedings from time to time as occasion shall require And that they shall have power to erect markets within the limitts of the said Corporacon, And that the Maior for the time being shall be Clarke of the Markett, and shall have power to execute that office by a deputy takeing such reasonable tolle and fees as may be fittinge in like Cafes not burdeninge his Majesties leige people thereby And that it shalbe lawful for the Maior for the time being to muster men and Levy Armes for the necessary defence of the Corporacon against hostile Invasions and to ordaine and make Captaines and such other Officers as are necessary in like Cafes And for the Maior and Aldermen to erect such Fortifications as shalbe thought fit and expedient for the defence of the said Corporacon and to furnish the same with Armes and Artillery And to erect such Ports or Keyes for ladeing and unlading of Shippes and other Vessells as shalbe found necessary And if it shall happen that any member of the said body politique doe dye or depart and live out of the limitts of the said Corporacon or shalbe removed from that Place of Employment for any reasonable cause That then another shalbe chosen in his stead from time to time as occasion shall require by the residue or the maior part of them att their discrecion who shall have like power to expel any member for iust and reasonable causes and choose any other of the Inhabitants in his stead And I the said Sir Ferdinando Gorges doe nominate my welbeloved Cosyn Thomas Gorges of the Province of Maine aforesaid gentleman to be first and next maior of Acomenticus aforesaid And Edward Godfrey gentleman Roger Garde, George Puddington Bartholomew Barnett Edward Johnson Arthur Bragington Henry Simson and John Rogers to be the first eight aldermen of the said Corporacon who shall have perpetuall Succession whereof the said Edward Godfrey shalbe a Justice of the peace for the first yeare which is to be accompted from Wifontide next after the coming over of this present graunt into the Province of Maine before specified whereby the members of the said Corporacon shall have notice of this Comission And that the said Roger Gard shalbe the first Recorder there and he shall alsoe execute the Office of Towne Clarke of the said Corporacon by himselfe or his sufficient Deputie, and shall have and take such reasonable Fees for Recording of Causes as
shalbe

shalbe by the said maior and aldermen or the maior part of them thought fit and convenient to sett downe in their Court Booke for the more certainty thereof And that the Maior of the said Corporacon for the time being shall from time to time be Coronor of the said Corporacon and shall exercise and execute the said office by himselfe or his sufficient Deputie And that it shalbe lawfull for the said Body Politique and Corporate to keepe Courte Leete once every yeare within tenn dayes either before or after Michaelmas wherevnto all persons above the age of twelve yeares may be warned to appeare And alsoe to have the benefitt of waives and strays and Felons goods happening from time to time within the limitts and precincts of the same Corporacon and shall have severall oathes administred vnto him, one for executing the Office of Maior and the other of Coronor by the said Towne Clarke which shalbe conceived by the members of the said Corporacon or the maior part of them and recorded and regitred for perpetual memory in their Towne Booke And the said Edward Godfrey shall likewise have an oath administred vnto him by the said Towne Clarke for the due execucon of Justice within the limitts of the said Corporacon for the yeare ensueing which shall be conceived and framed as aforesaid And that they the said maior and Aldermen and their perpetuall successors shall have power by the Tenor of theis presents to make such by lawes orders and ordinances as are accustomed to be made in Townes Corporate in England that they may be such as are from time to time wholesome and necessary for the regulating of the affaires of the said Towne and of the Inhabitants and people which shall be resident within the limitts of the said Corporacon and shall likewise have power to alter and change the same as need shall require and make newe by Lawes orders and ordinances in the steed thereof And shall have like power hereby to put the said by Lawes orders and ordinances in execucon for the benefitt of the Inhabitants and the peaceable ordering of the busines of the Corporacon soe as noe by Lawe order or ordinance be made which may be repugnant or contrary to the by Lawes orders and ordinances used in other corporacons of England in any wise but as neare as may be agreeable and consonant vnto the Lawes orders and ordinances vsed in England And shall likewise have power to make as many free Burgeses of the said towne as they shall thinke fit, and to disfranchise any of them for iust and reasonable Cause, and I doe likewise ordaine and appoint that the said Body politique and Corporate shall at their Court Leete administer vnto the Inhabitants this oath following (viz) you shall true Leigeman be and true faith and troath beare vnto our Souereigne Lord the King his heires and Successors and vnto the Lord of the Province of Maine his heires and assignes in every respect as it becometh So help you God. And lastly I the said Sir Ferdinando Gorges for me myne heires and assignes have ordyned graunted and confirmed and by theis presents doe ordaine graunte and confirme vnto the said Cor-

poracon Body politique and Corporate and their perpetuall Successors for ever that they shalbe exempted and freed from the Jurisdiccon authoritie and gouernment of any other officer or officers whatsoever that shall pretend to have power for the adminiftracon of Justice within the province of Maine aforefaid for any matter caufe fact or contract happening within the limitts of the faid Corporacon Prohibiting all fuch officers and minifters of Justice as shalbe appointed within the faid Province from intermedling in the adminiftracon of Justice within the Limitts of the faid Corporacon without the efpeciall Licence and confent of the members of the faid Bodie politique or the maior part of them and their fuccessours for ever hereafter And firmly inioyning and Comaunding that all and every other officer and Minifter of Justice within the faid province doe permitt and suffer the faid Body politique and their perpetuall fuccessors quietly and peaceably to inioy all the liberties and priuiledges therof according to the true intent and meaning of this present Charter of Incorporacon which is to be expounded and taken vpon all doubts and construccions of the sence of any Clause in the same in most favourable and beneficiall manner and forme for the Inhabitants and members of the faid Bodie politique and their fuccessors forever hereafter. In witness wherof I the faid Sir Ferdinando Gorges have herevnto sett my Hand and Scale at armes dated the Tenth day of Aprill in the seaventeenth yeare of the Raigne of our Souereigne Lord Charles by the Grace of God King of England Scotland France and Ireland Defender of the Faith &c 1641 and in the second yeare of my Principallity in Newe England.

FERDE. GORGES.

A Seal appendant.

Sealed and delivered in the presence of

THOMAS MORTON
ROBERT GORGES
RICHARD SMITHSON

The foregoing is a true Copy of the Original in my possession as clerk for the Town of York in the late province of Maine

DAN. MOULTON

AT a General Court of Elections held at BOSTON the 2d. 4th. Month 1647.

[Massachusetts Records.]

The Answer to the Petition of Mr. Pinchon and others of Springfield upon Connecticut exhibited to the General Court holden at Boston the 2d. of the 4th. Month.

WHEREAS the said Petitioners do certify us that some of their Neighbours and Friends upon Connecticut have taken Offence at them for adhering to our Government, and withdrawing from that upon the River, supposing that they had formerly been dismissed from this Jurisdiction, And that we had bound ourselves (by our own Act) from claiming any Jurisdiction or Interest in Agawam now Springfield, and for Proof hereof they alledge some Passages in a Commission graunted by this Court in the first Month 1635 to the said Mr. Pinchon and others for the Government of the Inhabitants upon the said River and some Passages also in certain Articles supposed to have been propounded to them by authority of this Court : It is hereby declared,

I. That the said Passages in the said Commission (as they are expressed in the Petition) are misrecited ; so as the true Scope, and Intention is thereby altered ; as 1st. Whereas the Words in the Commission are, they are resolved to transplant themselves, in the Recitall it is, to plant themselves. 2dly, In the Commission it is said that those Noble Personages have Interest in the River, And by Vertue of their Patent do require Jurisdiction there : In the Recitall it is, that we confesse it belongeth to their Jurisdiction : 3dly, In the Commission it is provided this may not be any prejudice to the Interest of those noble &c. In the Recitall it is that nothing should be done or intended to the Prejudice of the Lords or their Intendments.

II. That the said Commission was not granted upon any Intent either to dismiss the Persons from us, or to determine any thing about the Limits of Jurisdictions, the Interest of the Lands, and our own Limits being as then unknown, therefore it was granted only for one year, and it may rather appear by our granting such a Commission, and their accepting of it ; as also by that Clause, viz. till some other Course were taken by mutual Consent, &c. that we intended to reserve an Interest there upon the River, and that themselves also intended to stand to the Condition of the first Licence of Departure given to the most of them which was, that they should still remain of our Body.

III. For those Arguments which they draw from those Articles certified in the Petition ; We answer, that they were propounded and drawn out only by some of the

Magistrates of each Party without any Order or Allowance of this Court, and therefore whatsoever those Magistrates might intend thereby, the Intent of the Court cannot be gathered from any thing therein; but in those Articles which were agitated, and brought to some Issue in our Generall Court at Cambridge in the 4th Month 1638 where their Commissioners were present, Springfield then called Agawan was claimed by the Court (though by occasion of some private Speech &c.) to belong to us. And it was then agreed by the Court, and yielded unto by their Commissioners that so much of the River of Connecticut as should fall within the Line of our Patent should continue under our Jurisdiction (and it was then taken for granted, that Springfield would fall to us without Question) And those Articles had then been fully agreed on between the Court and their Commissioners, had there not been some Question about their granting us free Passage up the River, in Regard of the Lord's Interest as they alledged.

From the General Court at Boston 2.^d of the 4.th Month, 1641.

[Massachusetts Records.]

S I R,

IT is grievous to us to meet with any occasion that might cause Difference to arise between your People and us standing in so near a Relation of Friendship, Neighbourhood and Christianity especially; therefore our Study is (when any such arise) to labour the removing of them upon the first appearance. Now so it is, that we have been certified, that you have given Leave to some of yours to sett up a trading House at Woronock, which is known to be within our Patent lying as much or more to the North than Springfield, We hear also that you have granted unto Mr. Robert Saltonstall a great Quantity of Land, not far beneath Springfield, which we conceive also to belong to us: We desire you to consider of it as that which we apprehend to be an injury to us, and do us such Right in Redress hereof, as you would expect from us in a like Case, We suppose we shall not need to use other Arguments, We know to whom we write, We have thought meet upon those occasions to intimate further unto you, that we intend (by God's Help) to know the Certainty of our Limits, to the end that we may neither intrench upon the Right of any of our Neighbours, nor suffer ourselves and our Posterity to be deprived of what rightly belongeth unto us, which we hope will be without offence to any, and upon this we may have some Ground of proceeding in our further Treaty with you about such Things

as may concern the Welfare of us all. These Things we leave to your Consideration and shall expect your Answer, In the mean Time we rest.

[The Direction of the above Letter is not mentioned.]

DE CONSTITUTIONE Gubernatoris et Concilii pro Virginia.

[Rymer Vol. xx. Page 484. A. D. 1641.]

CHARLES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our trusty and welbeloved, Sir William Berkeley Knight, one of the Gentlemen of our Privy Chamber, Sir Francis Wyat Knight; John West Esquire, Richard Kempe Esquire, Samuel Matthews Esquire, Nathaniel Littleton Esquire, Christopher Wormeley Esquire, William Pierce Esquire, Roger Windgate Esquire, John Hopson Esquire, Thomas Powlet Esquire, George Minify Esquire, Henry Brown, Esquire, William Brocas Esquire, Argol Yardley Esquire, Thomas Pettus Esquire, Thomas Willoughby Esquire, Richard Bennet Esquire, And Humfrey Higgeson Esquire, Greeting. Whereas we by our Letters Patents under our Great Seal of England, bearing date the eleventh day of January, in the fourteenth year of our Reign, for the better maintenance and Government of the Colony and plantation in Virginia, did nominate and appoint the said Sir Francis Wyatt Knight, to be the then present Governor thereof, and such other persons, as We in and by Instructions under our Sign Manual had then named and assigned, or then after should name and assign, to be the then present Counsel, of and for the said Colony and Plantation of Virginia; Granting to him or them, and the greater number of them, full power and authority to perform and execute the places, powers and authorities, incident to a Governor and Counsel of Virginia respectively, as by the same Letters Patents of Commission, more at large may appear; Which said Commission and all Places, powers and authorities, matters and Things thereby graunted or mentioned to be granted, We do to all Intents and purposes, fully and absolutely revoke, determine and make void by these presents; nevertheless, We being willing to give all Encouragement to that plantation, and minding that our Colony and People there, should be regulated as well in Ecclesiastical as temporal Government, according to the Lawes and Statutes of our Realm of England, which we purpose to have established there, and being resolved not to impeach or hinder, but to promote and advance the particular Interests of such of the Planters there, as shall conform themselves as loyal Subjects, in all due Obediencè to our Government, and to discourage such, as shall be found Disturbers of the Peace and Impugners of the said Colony. Know ye therefore, that We for the effecting of the premiffes, and the better ordering, governing and

and managing of the affairs of the said Colony and Plantation in Virginia, and of the persons now inhabiting, and which shall hereafter inhabit there, until We shall find some more convenient means upon mature advice, to give more ample Directions for the same; And reposing assured Trust and Confidence, in the Understanding, Care, Fidelity, Experience and Circumspection of you the said Sir William Berkeley, Sir Francis Wyatt, John West, Richard Kemp, Samuel Matthews, Nathaniel Littleton, Christopher Wormley, William Pierce, Roger Windgate, John Hopson, Thomas Paulet, George Minify, Henry Browne, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby Richard Bennet and Humfrey Higgeson, Have nominated and assigned and by these Presents do nominate and assign you the said Sir William Berkeley, to be the present Governor, and you the said Sir Francis Wyatt, John West, Richard Kemp, Samuel Matthews, Nathaniel Littleton, Christopher Wormley, William Peirce, Roger Windgate, John Hopson, Thomas Paulet, George Minify, Henry Brown, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby, Richard Bennet, and Humfrey Higgeson, to be the present Counsell of and for the said Colony and Plantation in Virginia, giving and by these Presents granting unto you and them, and the greater number of you and them respectively, full power and Authority, to perform and execute the Places, Powers and Authorities, incident to a Governor and Counsell of Virginia respectively, and to direct and govern, correct and punish our Subjects, now inhabiting or being, or which hereafter shall inhabit or be in Virginia, or in the Isles, Ports, Havens, Creeks, or Territories thereof, either in Time of peace or War, and to order and direct the affairs, touching or concerning that Colony or Plantation, in those Foreign Parts only, and to execute and perform all and every other matters and things, concerning that Plantation as fully and amply, as any other Governor and Counsell resident there, at any time, within the space of ten years now last past, had or might perform or execute. And because, by the experience of industrious and well experienced Men, the limits and bounds of the said Plantation may be augmented, and Trade and Commerce, for the maintenance and enriching of the Inhabitants there, from time to time residing much advanced; Our will and pleasure is, and We do by these Presents give and grant unto you the said Sir William Berkeley and the rest of you our said Counsell beforementioned, or any four or more of you, (whereof the Governor for the time being to be always one) full Power and Authority, to grant one or more Commission or Commissions unto any of our Subjects, addressing themselves unto our said Governor and Counsell, for the discovery of the same Country and Ports, Bounds, Limits and Extents thereof; And also for the finding out, what Trades shall be the most necessary to be undertaken for the benefit and advantage of the said Colony and Plantation, and the Good of the People inhabiting, or which shall inhabit there, both by Sea and Land; And further, upon all occasions as you or any four or more of you (whereof you the Governor for the time being to be always

always one) shall see fit, to send out Forces, for the subduing of the Indians and Savages of the said Country; and likewise to make War and Peace with them, in all such cases as may stand with the safety of the said Colony and our honour, keeping always sufficient Forces for the holding of the places now enjoyed. And if it shall happen, you the said Sir William Berkeley to die, or in case of your urgent occasions (allowed by four or more of our said Counsel there) shall call you thence at any time, then our Will and Pleasure is, and We do hereby give and grant to you the said Sir William Berkeley, and the rest of the Commissioners beforenamed, or the greater number of you, full power and authority upon the death or in the Absence of you the said Sir William Berkeley, to elect, nominate and assign one of our said Counsel, to be the present Governor for the said Colony and Plantation in Virginia, and so to do from time to time, as often as the case shall require; And we do by these Presents assign and appoint, such person, as by you our said Counsel or the greater number of you from time to time shall be elected and chosen to be the present Governor, and the said Governor and the rest of our Commissioners, to be our present Counsel for the said Colony or Plantation for Virginia; Giving and by these presents granting unto you, and the greater number of you respectively, full power and authority, to execute and perform the Places, Powers and Authorities, of a Governor and Counsel of Virginia respectively, in manner and form aforesaid; Nevertheless our will and pleasure is, that you and every of you, from time to time proceed according to such Instructions as you or they, do now or hereafter shall receive from us, or the Lords and others of our Privy Counsel here; And that you, our said Governor and Counsel there for the time being, shall be from time to time subordinate, subject and obedient, to the Lords Commissioners and Committees here for our Plantations, for the time being, touching the present Government of that Plantation, and according to such Orders and Directions, as they from time to time shall conceive and set down. Provided always, and our express Will, Pleasure and Commandment is, and We do hereby give full Power and Authority unto you the said Sir William Berkeley, and such other Person as shall be Governor there, for the time being according to the true intent of these Presents, and our intention herein before declared, that upon the death or discontinuance of any one of our Counsel there, you the said Sir William Berkeley, and such other Person as shall be Governor there, and our Counsel there for the time being, or the greater part of them, shall elect, nominate and appoint, such other sufficient, able and discreet person or persons, in the Room or Place of him or them so dying or discontinuing, during the Continuance of this our present Commission; And that you shall from time to time, return and certify the names and qualities of such person or persons, so by you to be nominated and appointed, in the room of such of our Counsel, there dying or discontinuing as aforesaid, unto Us and the Lords and others our Commissioners for Plantations here, to the end,

such

such Person or Persons to be by you and them so elected, nominated and appointed, in manner aforesaid, may receive allowance or disallowance, of such their election or choice, in the room of such of our Counsel there, as shall either die or discontinue, as there shall be Cause, or to us or our said Commissioners for Plantations here, shall seem meet. And our further Will and Pleasure is, That you the said Sir William Berkeley and Richard Kemp, before you or either of you depart out of this our Kingdom of England, shall take such oaths, before the Lord Keeper, Lord Privy Seal or either of them, for this our Kingdom, as the Governor and Counsel for the said Plantation and Colony, have heretofore taken, and after such oaths, by you the said Sir William Berkeley and Richard Kemp so taken as aforesaid, We do hereby charge and command you to administer unto the said Sir Francis Wyatt Knight, John West, Samuel Matthews, Nathaniel Littleton, Christopher Wormeley William Peirs, Roger Windgate, John Hopton, Thomas Poulet, George Mundy, Henry Brown, William Brocas, Argol Yardley, Thomas Pettus, Thomas Willoughby, Richard Bennet, and Humfrey Higgeson, and every of them, the like oath upon the holy Evangelist, as you or either of you have already taken, as Counselor, of or for the said Colony or Plantation; Willing and requiring you and them, to be diligent and attendant in the Execution of this our Service and Commandment, and also requiring all our loving Subjects there, to be directed and governed by you, or the greater number of you and them our Commissioners aforesaid, in all things, according to the intention and true meaning of these Presents; and lastly, our Will and Pleasure is that this our Commission shall continue in force, until We, by some other Writing under our Signet, Privy Seale, or Great Seal of England, shall signify our Pleasure to the contrary. In Witness &c. Witness our selfe at Westminster, the ninth day of August.

PER IPSUM REGEM.

SECOND CHARTER of GORGEANA, now YORK.

[MSS. Original.]

TO all to whom theis presents shall come I Sir Ferdinandoe Gorges Knighte Lord of the Province of Mayne within the Territories of Newe-England in America send greetinge. Whereas our Soueraigne Lord the Kinges Majestie that nowe is by his Highnes letters Patents under the greate seale of England bearinge date at Westminster the third daie of Aprill in the fifteenth yeare of his Majesties Raigne

Raigne of England &c. hath created mee the said Sir Ferdinando Gorges absolute Lord of the said Province of Mayne, and thereby hath given vnto mee and my heires absolute power and authoritie over the said Province and of all the lands within the precincts and bounds of the same and over all the Inhabitants and people that from tyme to tyme shall bee resident and abidinge within the limits and precincts of the said Province for the welfare and good government of all his Majesties lovinge Subjects that shall have recourse vnto the same. And whereas his said Majestie by the same letters Patents hath further given and granted vnto mee, my heires and assignes full power leave licence and authoritie to erect raise and build from tyme to tyme, in the Province Territories and Coasts aforesaid and every or any of them, such and soe many Forts, Fortresses, Platformes, Castles, Cities, Townes and Villages and all Fortifications whatsoever, and the same and every of them to fortifie and furnishe with men, ordinance powder shott armour and all other weapons ammunition and habilliments of Warre, both for defence and offence whatsoever as to mee my heires and assignes or any of them, shall seeme meete and convenient And likewise to committ from tyme to tyme the government Custodie and defence thereof, vnto such person and persons as to mee my heires and assignes shall seeme meete And to the said severall Cities Burroughes and Townes to grante letters Charters of Incorporacons with all liberties and thinges belonginge to the same, And in the said severall Cities Burroughes and Townes to constitute such and soe many Marketts, Marts and Faiers, And to graunte such meete tolles Customes Ducties and priviledges to or with the same as by mee my heires and assignes shall be thoughte fitt, as in and by the said letters Patents amongst Diverse and sundrie other priviledges, liberties, freedoms and iurisdicons therein conteyned more playnlie and at large it doth and may appeare Nowe knowe yee that I the said Sir Ferdinandoe Gorges, havinge alreadie (through God's assistance) seiled the said Province and Inhabitants thereof in a hopefull way of governmente, And beinge desierous by all good waies and meanes to further and advance the same have thoughte fitt and resolved on to create a Cittie or Towne within the said Province and to incorporate the same and to appoynte therevnto such Officers and Courtes of Justice and such liberties priviledges and Jurisdicons as are hereafter in theis presents particulerlie sett forth and declared And doe therefore for mee my heires and assignes graunte ordeyne and establishe that the Circuite of the said Incorporacon within the Province aforesaid shall extend from the beginninge of the entrance in of the River Commonlie called and knowne by the name of Agamenticus and soe vp the said River seaven Englishe Myles, and all alonge the Easte and North East side of the Sea-shore three Englishe Myles, in bredth from the entrance of the said River and vp into the mayne-land seaven myles buttinge with the seaven myles from the sea side vp the said River the bredth of three myles opposite therevnto And that the said Citie or Towne shal be erected and

builte in such place of the said Lymitts as shalbe thoughte most convenient by the assent of the deputie of the said Province, the Steward generall thereof, and the Maior and Justices of the said Cittie or Towne for the tyme beinge And to the end that the said Cittie or Towne and bounds or Lymitts of the Incorporacon before sett forth and discribed may for ever hereafter be more perticulerlie knowne and distinguished, My Will is that the same from henceforth bee nominated termed and called by the name of Gorgeana And by that name of Gorgeana the said Circuite Precinctes Lymitt and Places aforesaid I doe by theis presents I doe for mee my heires and assignes name call erecte, found and establishe, and by that name to have continuance for ever. And for the better governinge of the said Cittie or Towne, and Lymitts beforemenconed I doe Constitute, assigne lymitt and appointe that from henceforth for ever hereafter there shall bee one bodie politique and Corporate which shall have perpetuall succession and shall consist of a Maior twelve Aldermen and four and twentie to bee of the Comon Councell there, and of the rest of the Commonaltie of the said Corporacon And that the Maior shallbe yearlie chosen by the Comon Councell and free Burgeses of the said Corporacon or the greater parte of them vpon every five and twentieth day of March for ever. And that the Deputie Governor of the said Province shall appointe, assigne and nominate the first Maior for the yeare to come, who shall enter into his Office upon the five and twentieth day of March nexte ensueinge the Date hereof And that the said Deputie Governor shall likewise for this yeare appointe the Persons that shalbee the Aldermen, and that the maior Parte of the Freeholders shall electe and nominate such as shall bee of the Comon Councell there from tyme to tyme for ever, And I doe appointe that twoe of the said Aldermen shallbe Justices within the said Corporacon whoe shall be chosen for this yeare alsoe by my said Deputie Governor And that the said Maior Justices Aldermen Comon Councell and Inhabitants of the Lymitts and precincts aforesaid and their Successors shalbee in and by theis presents incorporated to have a perpetuall Succession for ever, in deede, faste, and name. And shalbee and bee one bodie Corporate and politique And further I doe by theis presents for mee and my heires graunte vnto the said Maior and Comonaltie and their Successors that they and their Successors shall bee and shall continewe persons able and capeable in lawe from tyme to tyme as one bodie, and shall have full power and authoritie, and lawfull Capacitie and abilitie to purchase take hold receave enioy and to have to them and their Successors for ever any Mannors lands Tenements Rents Royalties priviledges, Imunities Revercons Annueities hereditaments, goods and chattles whatsoever within the said Province of Mayne of and from mee my heires and assignes, and the same or any parte thereof to alien or sell away And to doe execute ordeyne and performe all other matters and thinges whatsoever belonginge or apperteyninge to a Corporacon And I doe further constitute
ordeyne

ordeyne and appoynte that there shall be for ever hereafter within the said Corporacon a Recorder and a Towne Clerke, which shalbe from tyme to tyme elected and chosen by the Maior Aldermen Comon Councell and Comonaltie of the said Corporacon or the greater parte of them, whereof the Maior for the tyme beinge to be Chief in the Eleccion and to have a double voice. And I doe further by theis presents ordeyne and create within the said Cittie or Towne and Corporacon a Courte leete or Laweday to bee held for ever twice every yeare within a Moneth of the Feastes of Easter and Michaelmas for the good governement and weale publike of the said Corporacon, and for the punisheinge of all Offenders the same to be kepte by the Recorder for the tyme beinge, and the fines payments and americiaments from tyme to tyme to bee to the use of the Maior of the said Towne for the tyme beinge for ever And I doe alsoe by theis presents create and establishe within the said Corporacon a Courte of Justice for the hearinge and determyninge of all accons and differences betweene Parte and Parte within the said Corporacon (noe accon of debte exceedinge tenne pounds, and the power of the said Courte not extendinge to the takinge away of life or member nor to any title of land) the same Courte to be held vpon Munday in every weeke for ever and the proceedinges to bee accordinge or as neere as may bee to the Course of his Majesties Courte of Chancery at Westminster, wherein the Maior for the tyme beinge to sitt as Judge with the Recorder and Aldermen or soe many of the said Aldermen as shalbe there, and the Towne Clarke to bee the Clarke and Mynister of the said Courte And in all Judgments and decrees it shall be lawfull for the Partie againste whome any decree or Judgement shall passe to make an Appeale to mee or my deputie soe as the same bee done within foure daies after such Judgement or decree made and not after nor otherwise And I doe further create and appointe twoe or fower Seargeants to attend on the said Maior whoe shalbee called for ever Seargeants of the white rod and shall serve and returne all Proces and Precepts yssueinge out of the said Courte from tyme to tyme, and shalbee elected and chosen by the Maior and Aldermen of the said Cittie or Towne, or the greater parte of them whereof the Maior to have a double voice And vpon any Misdemeanor of such Seargeant or Seargeants the Maior for the tyme beinge and the Aldermen or the greater parte of them shall haue power to putt them out and remove them, from the said service and ymployment And further I do graunte by theis presents for mee and my heires vnto the said Maior and Commonaltie and their Successors that they and their successors shall haue and enioy for ever a Comon seale to bee engraven according to their own Discrecons whereby the said Incorporacon may or shall seale any manner of Instrument touchinge the same Corporacon and such Mannors Lands Tenements rents Revercons Annueities hereditaments goods chattles affayers and any other things belonginge vnto or any wise apperteyninge

to the same or any of them And I doe further for mee and my heires for the Consideracons aforesaid, and for divers other good causes and Consideracons mee movinge by theis presents absolutelie giue graunte and confirme unto the saide Maior and Commonaltie of Gorgeana aforesaid and their Successors for ever all such and so much of the aforesaid lands lymitts places and precincts hereby before particulerlie bounded out and expressed, as are not formerlie graunted and therevpon seised on and possessed by any other person or persons (and are called by the name of Gorgeana aforesaid) Togearther alsoe with all the havens, ports Creekes Rivers Waters Fishinges and all and singuler other Profits Commodities, Jurisdictions Priviledges Francheffes and preeminencies within or belonginge to the said precincts and lymitts called Gorgeana aforesaid or to any of them To Have Holde Possesse and Enioye all and singuler the aforesaid Lymitts precincts and places called Gorgeana and all and singuler other the said graunted premisses with all and singuler their appurtenances to the said Maior and Commonaltie and their Successors and assignes for euer To the onelie use and behoofe of the said Maior and Commonaltie their Successors and assignes for evermore To bee holden of the Kinges Majestie his heires and Successors as of his Mannor of Easte Greenewitche in the Countie of Kent in free and Comon Socage and not in Capite nor by Knights service as the said Province of Mayne is now held Yeldinge and Paicing therefore yeerlie to mee the said Sir Ferdinando Gorges my heires and assignes one quarter of Wheate at Michaelmas yeerlie and every yeare for euer. And in regard that due alleagiance to his Majestie his heires and successors may euer bee rendred (as in the said Province) soe in and within the said Incorporacon I doe by theis presents order ordeyne and appointe that before any Maior nowe or hereafter to bee named of the said Towne shall execute his Office he shall first take the Oath of Alleagiance towards his Maiestie which shall be administered by the Governor or Chancellor of the said Province And likewise that the said Justices and Comon Councell and the Recorder Towne Clarke and Sergeants and all other Officers there shall take the like Oathe to bee administered by the Maior for the tyme beinge And alsoe that the Governor or Chancellor of the said Province shall administer such formall oath to the Maior as hee and the greater parte of the Conncell of the said Province and the greater parte of the Incorporacon shall devise and thincke meete for his due administeringe of Justice within the said Incorporacon and for his well orderinge of the same to the best good of the said Incorporacon And that the said Justices shall take an oath to the like purpose to bee administered by the Maior And that the Recorder Towne Clarke and others shall take such Oathes as are proper to the due Execucon of their places and to such other intents as to the Maior and Justices shall seeme most fit for the best good of the said Incorporacon and the same Oathes shalbee administered alsoe by the said Maior in the sighte of the said Justices or any of them And I doe further for mee and my heires by theis presents give and
graunte

graunte unto the said Mayor and Commonaltie full power leave licence and authoritie from tyme to tyme to make Wharfes and Keies for ladinge and unladinge of goods and marchandizes And to erecte rayse and build in and within the Lynmits and precincts of the said Incorporacon such and soe many Forts, Fortresses, platformes and other fortificacons whatsoever and the same and euery of them to fortifie with men and all manner of amunicon for the safetie of the said Incorporacon and for the better safetie and ayde yf need bee of the said whole Province as to the said Maior and Commonaltie or the greater part of them with the priuie and approbacion of the Governor and Councill of the said Province and frecholders of the same or the greater parte of them shall seeme meete And in further Consideracon of the tender regard I haue and beare to the further good and advancement of the happy-nesse and weale publique of the said Cittie or Towne and Incorporacon and of the said Province, and that tradinge and comerce may bee the more readilie advants I doe by theis presents create ordeyne appoynte and establishe a Market to bee kepte vpon Wensday in every weeke for euer within the said Towne, and that there shall be twoe Fayers held and kepte there euery yeare for euer hereafter (viz.) vpon the Feastie daies of St. James and St. Paul And that all the benefitt of the Toll and other Customes incident and belonging to Faiers and Marketts shall for euer redownd to the Vse and Aduantage of the said Maior for the tyme beinge And I doe further by theis presents for mee and my heires licence and authorize the said Maior Aldermen Councill and Commonalty (for the tyme beinge and the greater parte of them to make all such good and wholefome lawes for the better orderinge and gouerninge of the said Corporacon as to them shall seeme meete (the same not beinge repugnant but agreeable as neere as may bee, to the lawes of this Kingdom of England, nor repugnant or contrarie to the Lawes of the said Province nowe or hereafter to bee established there And I doe further by theis presents for mee and my heires give and graunte vnto the said Maior and Commonaltie and Incorporacon such and soe many priuiledges liberties and freedoms (as farre as in mee lieth) as the Cittie of Bristol holdeth by their Charter of Incorporacon And I doe further for me and my heires covenant with _____ Successors by theis presents That yf they or their Successors shall at any tyme make any doubte of the validitie in lawe of this present Charter or bee desierous to haue the same renewed with amendement of such Ymperfecons as shall appeare fitt anecessarie to be reformed That then vpon the suite and entretie of the said Maior and Commonaltie and their successors for the tyme beinge I and my heires shall forthwith passe a newe Graunte and Charter to the said Maior and Commonaltie with such further and b _____ premises as by the Councill on the behalfe of mee and my heires and of the said Maior and Commonaltie and their successors shall be reasonablie deuised or aduised. And further that all doubtes or questions that may arise touchinge
this

this present or thinge herein conteyned shall be
 construed to bee and envre, and is hereby declared to bee and envre to the most be-
 nefitt and advantage of the said Incorporacon and of every member thereof. And
 lastly I doe for mee and my heires and commaund my Deputie
 Governor and all my Councill and Freeholders of the said Province to take notice
 of this present Charter and to be aydinge and assistinge to the said Maior and Com-
 monaltie their Successors and Assignes in all thinges touchinge the same.

In Witnes whereof I the said Sir Ferdinandoe Gorges haue herevnto sett my
 hand and seale the first day of March in the seauenteenth yeare of the Raigne
 of our Sovereigne Lord Charles by the grace of God of England Scotland Fraunce
 and Ireland Kinge Defe of the Faith &c (1641)

F E R D E : G O R G E S.

A, Seal appendant.

A true Copy of the Original now in my Possession as Clerk for the Town of
 York in the late Province of Main.

D A N L. M O U L T O N.

THE *Combination of the Inhabitants upon* PISCATAQUA RIVER *for*
Government.

[Hubbard's Hist.]

WHEREAS fundry Mischiefs and Inconveniencies have befallen us, and more
 and greater may, in regard of want of Civill Government, his gracious
 Majesty havinge settled no order for us, to our knowledge, wee whose names are
 underwritten, being Inhabitants upon the River of Pascataqua have voluntarily a-
 greed to combine ourselves into a body Politick, that wee may the more comfort-
 ably enjoy the Benefit of his Majesties Laws, and doe hereby actually engage our-
 selves to submit to his Royall Majesties Laws, together with all such Laws as shall
 be concluded by a major part of the Freemen of our Society, in Case they be not
 repugnant to the laws of England, and administred in behalfe of his Majestie And
 this wee have mutually promised, and engaged to doe, and so to continue till his ex-
 cellent Majestie shall give other orders concerning us. In witnes whereof Wee have
 hereunto

hereunto set our hands, October 22. In the 16 year of the Reigne of our Sovereigne Lord, Charles by the grace of God, King of Great Brittain, France and Ireland, Defender of the Faith, &c.

Subscribed by

Thomas Larkham, Richard Waldrene, William Waldrene, with 38 more.

The CIVIL PRIVILEGES *of the* INHABITANTS
of MASSACHUSETTS.

[Laws of Mass. Bay, Edit. 1672. Fo. 1.]

FORASMUCH *as the free fruition of such Liberties, Immunities, Priviledges, as Humanity, Civillity and Cbristianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Commonwealth, and the denyall or deprival thereof, the disturbance, if not ruine of both.*

It is therefore ordered by this Court and the Authority thereof, That no man's life shall be taken away, no Man's Honour or good Name shall be stained, no Man's person shall be arrested, restrained, banished, dismembred, nor any wayes punished; no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unless it be by virtue or equity of some exprefs Law of the Country warranting the same, established by a General Court and sufficiently published; or in case of the defect of a Law, in any particular case, by the word of God. And in Capital Cafes, or in Cafes concerning dismembring, or banishment, according to that word, to be judged by the Generall Court.

“LIBERTIES COMMON” [*of* MASSACHUSETTS.]

[Laws of Mass. Bay, Edit. 1672, Fo. 90.]

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, shall have liberty to come to any publick Court, Council or Town Meeting, and either by speech or writing, to move any lawful seasonable or material Question, or to present any necessary Motion, Complaint,

plaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, so it be done in convenient time, due Order and respective Manner. (1641.)

2. Every Inhabitant who is an Householder, shall have free Fishing and Fowling in any great Ponds, Bayes, Coves and Rivers, so far as the Sea Ebbes and Flows within the precincts of the Town where they dwell, unless the Freemen of the same Town or the General Court have otherwise appropriated them:

Provided, That no Town shall appropriate to any particular person or persons, any great Pond, containing more than ten Acres of Land, and that no man shall come upon anothers propriety without their leave, otherwise then as hereafter expressed.

The which clearly to determine;

It is Declared, That in all Creeks, Coves and other places about and upon Salt-water, where the Sea Ebbes and Flows, the Proprietor, or the Land adjoining, shall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more wheresoever it Ebbs further,

Provided that such Proprietor, shall not by this liberty have power to stop or hinder the passage of Boats or other Vessels, in or through any Sea, Creeks or Coves, to other mens Houses or Lands.

And for great Ponds lying in Common, though within the Bounds of some Town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any mans propriety for that end, so they trespass not upon any mans Corn or Meadow. (1641, 47.)

3. Every man of, or within this Jurisdiction, shall have free liberty (notwithstanding any Civil Power) to remove both himself and his Family, at their pleasure out of the same, Provided there be no legal impediment to the contrary. (1641.)

“ECCLESIASTICAL” CONSTITUTION *of* MASSACHUSETTS.

[Laws of Mass. Bay, Edit. 1672, Fo. 43.]

ALL the People of God within this Jurisdiction, who are not in a Church-way, and be Orthodox in Judgement, and not scandalous in Life, shall have full liberty to gather themselves into a Church Estate, provided they do it in a Christian way, with the observation of the Rules of Christ revealed in his World.

Provided also, that the General Court doth not, nor will hereafter approve of any such companies of men, as shall join in any pretended way of Church-fellowship,
unless

unless they shall acquaint three or more Magistrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein.

2. It is further Ordered, that no person being a Member of any Church which shall be gathered without the approbation of the Magistrates and the said Churches, shall be admitted to the freedom of this Commonwealth.

3. Every Church hath free liberty to exercise all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they should be able, pious and Orthodox.

5. Every Church hath also free liberty of Admission, Recommendation, Dismission and expulsion, or Disposal of their Officers and Members upon due Cause, with free Exercise of the Discipline and Censures of Christ, according to the Rules of the Word.

6. No Injunction shall be put upon any Church, Church officer or Member in point of Doctrine, Worship or Discipline, whether for Substance or Circumstance besides the Institution of the Lord.

7. Every Church of Christ, hath freedome to celebrate dayes of Fasting and Prayer and of Thanksgiving, according to the Word of God.

8. The Elders of Churches and other Brethren and Messengers, have liberty to meet Monthly, Quarterly or otherwise, in convenient Numbers and Places for Conference and Consultation, about Christian and Church Questions and Occasions, provided that nothing be concluded and imposed by way of Authority from one or more Churches upon another, but onely by way of Brotherly Conference and Consultation.

9. All Churches also have liberty to deal with any of their Members in a Church way, that are in the hands of Justice, so it be not to retard and hinder the course thereof.

10. Every Church hath liberty to deal with any Magistrate, Deputy of Court or other Officer whatsoever, that is a Member of theirs, in a Church way, in case of apparent and just offence given in their Places, so it be done with due observance and respect. But no Church Censure shall degrade or depose any man from any Civil Dignity, Office, or Authority he shall have in the Common-wealth.

11. The Civil Authority here established, hath power and liberty to see the Peace, Ordinances and Rules of Christ be observed in every Church, according to his Word as also to deal with any Church-member in a way of Civil Justice, notwithstanding any Church Relation, Office or Interest.

12. Private meetings for Edification in Religion, amongst Christians of all sorts, shall

shall be allowed, so it be done without just offence, for number, time, place and other circumstances. (1641.)

13. The Treasurer of the Country, shall defray the charges of the Elders of our Churches when they are employed by special Order of the General Court. (1642.)

Whereas it is the duty of the Christian Magistrate to take care the People be fed with wholesome and sound Doctrine, and in this hour of temptation wherein the Enemy designeth to sow corrupt seed. Every company cannot be thought able or fit, to judge of the Gospel qualifications required in the publick dispensers of the Word, and all Societies of Christians are bound to attend Order and Communion of Churches, considering also the rich blessing of God, flowing from the good agreement of the Civil and Church-estate, and the horrible mischiefs and confusions that follow on the contrary;

It is therefore Ordered, that henceforth no person shall publicly and constantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a *Teaching Elder*, where any two Organick Churches, Council of State, or General Court shall declare their dissatisfaction thereat, either in reference to Doctrine or Practice, the said Offence being declared to the said company of People, Church or Person, untill the Offence be orderly removed: and in case of Ordination of any *Teaching Elder*, timely notice thereof shall be given unto three or four of the neighbouring Organick Churches, for their approbation. (1658.)

14. *Forasmuch as the open contempt of Gods Word, and Messengers thereof, is the desolating sin of Civil State and Churches;*

It is Ordered, that if any Christian (so called) within this Jurisdiction, shall contemptuously behave himself, towards the Word preached, or the Messengers thereof, called to dispense the same in any Congregation, when he doth faithfully execute his service and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falsely with any Error, which he hath not taught in the open face of the Church, or like a son of *Korah*, cast upon his true Doctrine, or himself any Reproach to the dishonour of the Lord Jesus who hath sent him, and to the disparagement of his holy Ordinance, and making Gods ways contemptible and ridiculous: that every such person or persons (whatsoever censure the Church may pass) shall for the first Scandal be convented and reproved openly by the Magistrate at some Lecture, and bound to their good behaviour.

And if a second time they break forth into the like contemptuous carriages, they shall either pay five pounds to the publick Treasury, or stand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breast, written in Capital Letters,

AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES,

that others may hear and be ashamed of breaking out into the like wickedness. (1646.)

And every Christian as aforesaid, that shall go about to destroy or disturb the Order and Peace of the Churches established in this Jurisdiction, by open renouncing their Church estate, or their Ministry, or other Ordinances dispensed in them, either upon pretence that the Churches were not planted by any new Apostle, or that Ordinances are for carnal Christians, or for Babes in Christ, and not for spiritual or illuminated persons, or upon any other such like groundless conceit; every such person who shall be found culpable herein, after due means of conviction, shall forfeit to the publick Treasury, forty shillings for every month, so long as he shall continue in that his obstinacy. (1646.)

15. *Wherever the Ministry of the Word is Established, according to the Order of the Gospel throughout this Jurisdiction;*

Every person shall duely resort and attend thereunto respectively on the Lords dayes, and upon such publick Fast dayes, and dayes of Thanksgiving, as are to be generally observed by appointment of Authority. And if any person within this Jurisdiction shall without just and necessary cause, withdraw himself from the publick Ministry of the Word, after due means of conviction used, he shall forfeit for his absence from every such publick meeting *five shillings*. And all such offences may be heard and determined from time to time, by any one or more Magistrates. (1646.)

16. *To the end there may be convenient Habitations for the Ministers of the Word;*

It is Ordered, that the Inhabitants of every Town, shall take care to provide the same, either by hiring some convenient House, for the use of the present Minister, or by compounding with him, allowing him a competent and reasonable sum to provide for himself, so long as he shall continue with them, or by building or purchasing an house for the Minister, and his successors in the Ministry, as the major part of the said Inhabitants shall agree. And the particular sums assessed upon each person by a just Rate, shall be collected and levied as other Town Rates.

17. *That there may be a settled and encouraging Maintenance of Ministers in all Towns and Congregations within this Jurisdiction.*

It is Ordered, that the County Court in every Shire, shall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what Maintenance shall be allowed to the Minister of the place, and shall issue out warrants to the Select men to assess the Inhabitants, which the Constable of the said Town shall collect and levy as other Town Rates. And it is hereby declared to be our intention that an honourable allowance be made to the minister, respect-

ing the ability of the place, and if any town shall finde themselves burthened by the Affessments of the County Court, they may complain to the Court, which will at all times be ready to give just release to all men. (1654.)

IT being the great duty of this Court, to provide that all Places and People within our Gates be supplied of an able and faithful Minister of Gods Holy Word;

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their respective precincts, do diligently and carefully attend the execution of such orders of this Court, as concerns the Maintenance of the Ministry, and the purging of their Towns and Peculiars from such Ministry and public preachers as shall be found vicious in their lives, or perniciously Hetrodox in their Doctrine; and for all places destitute of an able and faithful Ministry, that they use their best endeavour for the procuring and setting of such faithful Labourers in Gods Vineyard, and that the charges of their procuring, and setting, be levyed on the Inhabitants, as the Law for maintenance of Ministers directs; and that for the future there may be no neglect hereof; the Presidents of each County Court, shall duely from time to time give it in charge to the Grand-juries of their respective Courts, to present all abuses and neglects of this kinde, and that with all Care and diligence the same be redressed, that so the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may still delight in us, to continue his favourable presence with us, and our unpareld enjoyments both temporal and spiritual, which through the rich mercy of God in Christ hitherto we have enjoyed, and not be provoked through our prophane slightings and despising thereof, to bereave us and our posterities of such choice Mercies. (1660.)

WHEREAS the Christian Magistrate is bound by the Word of God to preserve the Peace, Order or Liberty of the Churches of Christ, and by all due means to promote Religion in Doctrine and Discipline, according to the Word of God; and whereas by our Law, tit. Ecclesiastical, Sect. 4.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious and Orthodox: For the better explanation of the said Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, such as are in full Communion only; and that the teaching Officer or Officers of such church or churches, we do intend shall be the Minister or Ministers to all the People in that Town where such Church or Churches are planted; and that no Inhabitant in any Town shall challenge a right unto, or act in the Calling or Election of such Officer or Minister, until he be in full communion, upon the penalty of being accounted a disturber of peace and order, and to be punished by the Court of that Shire, either by Admonition, Secu-
rity

riety for the good Behaviour, Fine, or Imprisonment, according to the quality and degree of the offence.

Pro WILLIELMO CLAIBORNE.

[Rymer, Vol. XX. P. 541. A. D. 1642.]

REX, sexto die *Aprilis*, concedit *Willielmo Claiborne* Armigero, Officium *The-faurarii Regis* infra *Dominium de Virginia* durante vitâ.

P. S.

THE Parliament's Commissioners Receipt for Money.

[Suffolk County Records.]

September 7th. 1642.

RECEIVED the day and yeare aboue written by vs whose names are subscribed (being Treasurers Ordayned by an ordinance of both houses of this present Parliament to receive all such moneys and Plate as shall be brought in according to Certayne Proppositions printed and published together with the said Ordinance) of Mr. Edward Jackson * Nayler light Gold Amounting in Value with fower pounds tenn shilings money to the Summe of forty pounds for the purposes in the said propo-
sitions menconed wee say received 40^{lb}.

JOHN TOWSE,
JOHN WARNER.

* Edward Jackson at White Chapel near London (as appears by another Receipt) and it is supposed that the Gold and money mentioned were paid for the Purpose of supplying the *Protector's* Mint. Mr. Jackson afterwards removed to New England and at his Request the above Receipt (and two others) was recorded.

PLYMOUTH

PLYMOUTH *Appointment of Commissioners to treat with MASSACHU-*
SETTS-BAY, Sept. 28. 1642.

[Plymouth Records.]

THE Court being mett together and having Intelligence of a generall Conspiracy intended by the Natives to cut off all the English in this land tooke the same into serious Consideracon and duely weighing such Informacons which they have received together with the circumstances concurring therewithall do adjudge it absolutely needful and requisite to make speedy preparacon throughout the Government for a defensive and offensive warr against them, as if they were presently to be sent forth.

II. It is agreed and concluded that Mr. Edward Winflow Mr. Timothy Hatherley and Captaine Miles Standish shalbe sent into the Bay and have power to agitate and conclude with them for a present combinacon with them in the present warrs and to treat with them about a further combinacon or league but not to conclude that without Consent of the Court here.

VOTE of PARLIAMENT in Favour of NEW-ENGLAND.

[Massachusetts Records.]

Veneris Decimo Martii 1642.

WHEREAS the Plantations in New-England have by the Blessing of Almighty God had good and prosperous Success without any publick Charge to this State, and are now likely to prove very happy for the Propagation of the Gospel in those Parts, and very beneficial and commodious to this Kingdom and Nation, The Commons now assembled in Parliament, do for the better advancement of these Plantations, and the Incouragement of the Planters to proceed in their Undertaking, ordain that all Merchandizes, Goods, that by any Merchant or any other Person or Persons whatsoever shall be exported out of this kingdom of England into New England to be spent, used or employed there or being of the Growth of that Kingdom, shall be from thence imported hither or shall be laden or put on board in any Ship or Vessel for necessaries in passing and Returning to and from, And all and every the Owner or Owners thereof shall be freed and discharged of and from paying and yeildine

yeildinge any Custom, Subsidy, Taxation, Imposition or other Duty for the same either inward or outward either in this Kingdom or New-England, or in any Port, Haven, Creek, or other Place whatsoever, until the House of Commons shall take further order therein to the contrary And all and singular Customers Farmers and Collectors of Customs, Subsidys and Imposts and other Officers Ministers and Subjects whatsoever are hereby required and enjoined, that they and every of them upon the shewing forth unto them this Order, or a true Copy thereof, under the Hand of the Clerk of the House of Commons, without any other Writ or Warrant whatsoever do make full, whole and entire and due Allowance and clear Discharge unto the said Owners of the said Goods and Merchandizes, their Factors, Servants and Agents according to the Tenour and true meaning of this Order.

H. E L S Y N G,
Cler. Parl. D. Com.

*To the Right Worshipful the GOVERNOR and ASSISTANTS, and the rest of
our worthy Friends in the Plantation of Massachusetts-Bay.*

[Hutchinson's History of Massachusetts-Bay.]

Our much honour'd Friends,

TAKING notice, some of us, of long time, of Mr. Roger Williams his good affections and conscience, and of his sufferings by our common enemy and oppressors of God's people the prelates; as also of his great industry and travels in his printed Indian labours in your parts (the like whereof we have not seen extant from any part of America) and in which respect it hath pleased both Houses of Parliament to grant unto him and friends with him a free and absolute charter of civil government for those parts of his abode, and withal sorrowfully resenting, that amongst good men (our friends) driven to the ends of the world, exercised with the trials of a wilderness, and who mutually give good testimony each of the other (as we observe you do of him and he abundantly of you) there should be such a distance. We thought it fit, upon divers considerations, to profess our great desires of both your utmost endeavours of nearer closing and of ready expressing those good affections (which we perceive you bear to each other) in the actual performance of all friendly offices. The rather because of those bad neighbours you are likely to find too near

you in Virginia, and the unfriendly visits from the West of England and from Ireland. That howsoever it may please the Most High to shake our foundations, yet the report of your peaceable and prosperous plantations may be some refreshings to

Your true and faithful friends

Cor. Holland	Oliver St. John	Northumberland
John Blackistow	Gilbert Pickering	P. Wharton
Isaac Pennington	Robert Harley	Tho. Barrington
Miles Corbett	John Gurdon	William Masham.

ORDER to record a Vote of Parliament.

[Massachusetts Records.]

10th of the 3d month. 1643.

WHEREAS it hath pleased the Lord, who of his free Grace and Mercy hath from time to time taken the Care of and provided for the Safety and Good of his poor Churches and people here in New England, so to move the hearts of the Honourable House of Commons in England, as they have been pleased to make a special Order * in our Favour, for Acknowledgment of our humble Thankfulness and preserving a grateful remembrance of the Honourable Respect from that High Court, It is ordered that the said Order being sent to us under the Hand of the Clerk of the said Honourable House of Commons, shall be entered among our publick Records to remain there to Posterity.

PLYMOUTH *Appointment of Commissioners to sign Articles of Confederation. June 6th. 1643.*

[Plymouth Records.]

IT is ordered and concluded by the Court that Mr. Edward Winslow and Mr. William Collyer shall have full Commission and Authority in Name of the whole Court to subscribe the Articles of Confederacon (now read in the Court) with the

Massachusetts Connecticut and New-Haven and to subscribe the same in name of the whole and to affix thereto the Comon Seale of the Gouernment

COPY of a Letter from Mr. ENDECOTT to Governor WINTHROP, about
LA TOUR.

[Hutchinson's Original Papers.]

Deare Sir,

I AM glad that La Tour hath not ayd from us; and I could wish he might not haue any from the shippes: For as long as La Tour and Daulney are opposites they will weaken one another. If La Tour should prevail against him we shall undoubtedly have an ill neighbour. His father and himselfe, as I am informed, have shed the blood of some English already, and taken away a pinnace and goods from Mr. Allerton. It were, (I think) good that that business were cleared before hee had either ayd or libertie to hire shippes, yea, or to depart.

Sir, it is not the manner abroad to suffer strangers to view forts or fortifications, as it seems these French have done. I must needs say, that I feare we shall have little comfort in having any thing to doe with these idolatrous French. The countrey hereabouts is much troubled that they are so entertayned and have their libertie as they have to bring their soldiers ashore, and to suffer them to trayne their men. And great jealousies there are that it is not Daulney that is aymed at; seeing such a strength will neither sute such a poore designe, and La Tour a man of weak estate, as it is said. Wherefore, other mens hands are employed, and purses too, for some other service. But I leave all these things to your serious considerations, desiring the Lord to guide you therein to the glorie and peace of the churches here, to whose grace I commit you and humble rest,

Yours truelie ever,

JO. ENDECOTT.

19th of the 4th, 1643.

COPY of a Letter from THOMAS GORGES * to Governor WINTHROP.

[Hutchinson's Original Papers.]

Piscataquack, 28th June 1643.

Right worthy Sir,

I UNDERSTAND by Mr. Parker that you have written to me by Mr. Shurt, which as yet I have not received. It cannot be unknown to you the fears that we are in since La Tours promise of ayd from you ; for my part, I thought fitt to certifiee foe much unto you, and I doubt not only these parts which are naked, but all N. E. will finde D'Aulnay a scourge. He hath long wayted (with the expence of neer 800*l.* per month) for the apprehending of this supply, and if all his hopes shall be frustrated through your ayd, you may conceive where he will seeke for satisfaction. If a thorough worke could be made, that he might utterly be extirpated, I should like it well ; otherwise it cannot be thought but a soldier and a gentleman will seeke to revenge himself, having 500 men, 2 shippes, a galley and three pinnafes, well provided : Besides you may please to conceive in what manner he now besieges La Tour, his shippes lye on the S. W. part of the island at the entrance of St. Johns River, within which side is only the entrance for shippes, on the N. E. lye his pinnafes ; it cannot be conceived but he will fortifye the island, which will debarr the entrance of any of your shippes and force them backe, shewing the will, having not the power, to hurt him.

I suppose I shall for England in this shipp, I am not as yet certayn, which makes me forbear to be large at this tyme, or to desire your commands thither. Thus in haste I rest,

Your honouringe friend and servant,

THO. GORGES.

* Son to Sir Ferdinando Gorges.

ARTICLES OF AGREEMENT Indented and made the thirtieth Day of June Anno Dom. 1643 between MounSeir Latour knight of the Orders of the King Lestenant Generall of new France of the one party, And Captaine Edward Gibbons and Thomas Hawkins Merchant and parteowners of the good shipp called the Seabridge the shipp Phillip and Mary the shipp Increase the ship Greyhound all of them of the Massachusetts bay in New England of the other party In the behalf of themselves and of their partners haue lett to freight to the said mounseir De la Tour all the said shippes in manner and vpon Condicons following.

[Suffolk County Records, Lib. No. 1. Fo. 7.]

1. **F**IRST the said Edward Gibbons and Thomas Hawkins and their Assignes in the behalfe of the owners of the shipp Seabridge doe covenant and promise that the said shipp shall be compleatly fitted with a master and fowerteene able Seamen, and a boy, with fowerteene peece of Ordnance, with powder and Shott fit for them, with tackle and apparell victualls for the said sixteene men for two months time from the tenth day of July next.

2. That the shipp Phillip and Mary shalbe compleatly fitted with an able Master fowerteene seamen and a boy and ten peece of ordinance with powder and shott fitt for them, with tackle apparell and victualls, for the said sixteene men for two months from the tenth day of July next.

3. That the above named shipp Increase shallbe compleatly fitted with a master and twelve able Seamen and a boy, and ten peece of ordinance and shott fitting for them with tackle apparrell and victualls fitting for the said men, for two months from the tenth day of July next.

That the shipp Greyhound shallbe compleatly fitted with fower murderers, and powder and shott fitting for them, with tackle, apparell and victualls fitting for eight men, viz. a master and seven able seamen with the said shipp, Completely fitted for two months from the tenth day of July next.

Now wee the above named Edward Gibbons and Thomas Hawkins doe hereby Covenant and promise, that the said shipp called the Seabridge Phillip and Mary Increase and greyhound fitted as abovesaid shallbe by the Providence of God (the winde and weather serving) bee ready vpon demaund to set sail from the Roades of Boston and Charles Towne on or before the tenth day of July next after the date hereof; and from thence by God's Grace shall directly saile in company with the shipp Clement appertaininge to the said Mounseir De la Tour, the dainger of the Seas excepted, as neere unto the fort of the said Mounseir La Tour In the River of

St Johns as the abouenamed shippes may conveniently ride at anchor; And further wee promise to Joyne with the said shipp Clement In the defence of ourselues, and the said Mounseir La Tour against Mounseir Dony his forces or any that shall unjustly assault or oppose Mounseir de La Tour In his way to his forte as abouesaid, and for any further Assistance wee the said Edward Gibbons and Thomas Hawkins promise no further then by a mutuall consent of the said Mounseir La Tour with the Agent and his Counsell by vs appointed or the Major parte of them; now the said Mounseir La Tour for his parte doth couenant and agree to and with the aboue named Edward Gibbons and Thomas Hawkins not only to provide at his cost and charge twenty English Souldjers for the shipp Seabridge and the like Nommer for the shipp Phillip and Mary for the shipp Increase and eight for the shipp Greyhound, which the said Mounseir La Tour doth promisea this own proper cost to provide convenient provision of victualls for two full months to be put aboard of each shipp before their departure out of the bay of Massachusetts as also a convenient quantity of powder and shott for twenty musketeers In the seuerall shippes and if the said Mounseir La Tour shall desire to put any of his own Souldjers aboard any of the said fower shippes they shall not exceed aboue ten In any of the forenamed shippes and also further promiset at his own proper cost to putt aboard convenient Victualling for two months tyme for so many as the said Mounseir La Tour shall put aboard any of the severall shippes before their departure of the said bay of Massachusetts but also shall pay or cause to be paid by him the said Mounseir La Tour his executors administrators or assignes vnto the said Edward Gibbons Thomas Hawkins or their assignes the full some of two hundred pounds sterling per month for the aforesaid shipp Seabridge, and a hundred and twenty pounds per month for the shipp Phillip and Mary the said Mounseir La Tour providing at his oune cost a master and fowerteene able seamen and a boy for the said Phillip and Mary, and the said Increase a hundred and fifty pound per month, and the shipp Greyhound fifty pound per moneth all which to be truly paid as abouesaid vnto Edward Gibbons and Thomas Hawkins or their assignes in Peltry at the prize currant as at the tyme of payment they shall beare at Boston in New England which the said Mounseir La Tour promiset shall be at or before the expiration of two months after the shippes departure from the bay of Massachusetts, And although the foresaid shippes should terminate or end their vojadge before the two months are expired that the said Mounseir La Tour doth promise to pay the two full months pay according to the valew of the freight of every said shipp as abouesaid And if the said Mounseir La Tour shall haue occasion to make use of the said shippes any longer tyme which shall not exceed a month he promiset to pay the like proportion as aboue expreffed for every said shipp as abouesaid and so proportionably for any part of the said moneth Further it is agreed before the sealing hereof that the said Mounseir La Tour shall provide for the said shippes a sufficient proportion

tion of powder and shott for the number of Ordinance each shipp doth carry as farr as in him lyeth, and the said Edward Gibbons and Thomas Haukins doe promise to allow for the said powder seven pounds sterling per kentall and shott per kentall at the current prize at Boston, to be allowed out of the hier of the said shippes provided alwayes that so much of the said powder and shott as shall not be expended In the service of the said Mounfeir La Tour shall be returned to him again vpon pajment at the prize abouesaid. Further it is agreed vpon and promised by the said Mounfeir La Tour vnto the said Edward Gibbons and Thomas Hawkins that what pillage and Spoil of Goods shall be taken by the afore named shipp Clement and the said foure English shippes or either of them shall be equally divided among the merchants owners marriners and fouldjers according to the vsual custome In such voyages And for the true performance of all and singuler articles, Couenants and Agreements and euery parte thereof according to the true Intent of these presents the said Mounfeir La Tour doth make ouer vnto the said Edward Gibbons and Thomas Hawkins all that his fort in the River of St. John, with the gunns, powder and shott thereunto belonging; and all his propriety in the said River, and the Coast of Achady together with all his mooveables and Immooveables therein In wittnes heareof the parties aboue named haue Interchangeably put to their hands and seales.

DE LA TOUR.
And a Seale.

Signed and Sealed in the prefence of us,

ROBERT KEAJNE,
WM. TING.
ESTIENNE DUPRU.

IT is agreed by and betweene the said Mounfeir La Tour and Edward Gibbons and Thomas Haukins before the sealing and delivery hereof that the Peltrje paid by the said Mounfeir Latour vnto the within bound Edward Gibbons and Thomas Haukins for the freight of the fower shippes within named and for the fouldjers pay shall be at the appointment of Edward Gibbons and Thomas Haukins yet at the cost of the said Mounfeir La Tour sent for England or Fraunce and what the said Peltrje shall produce more then the freight of the said fower shippes as by Couenant and the pay of the Souldiers which the said Mounfeir Latour promisseth to pay according to the agreement that the said Edward Gibbons and Thomas Haukins shall haue made with any or all of them wittnes our hands this 8th of July 1643.

DE LA TOUR.

Wittnes
WM. TING
ROBT. KEAJNE
ESTIENNE DUPRU

IT

IT is further Agreed before the sealing and signing hereof whereas the shipp Seabridge whereof Mr. Brock is master vnder God was ready for the service of Mounseir Latour to have sett saile at his Appointment that the said shipp's freight shall begin from the twentj fift of June 1643. thee having from that day bin alwayes reddey vppon Demand to faile wittnes my hand Dated the 13 of July 1643.

DE LA TOUR.

Wittnes

ROBT. KEAJNE

WM. TING

ESTIENNE DUPRU.

Captaine William Ting and Captaine Robert Keajne doe testifie vppon their oathes that these three Subscriptions two on this side the 3d. on the other side the leafe are the subscriptions of Lord De la Tour, this 8th of the 2d. mo. 1652 before me.

WM. HIBBINS.

COPY of a Letter from RICHARD SALTONSTALL and others to the Honourable Governor, Deputy-Governor, and Assistants, and the Reverend Elders at or near the BAY.

[Hutchinson's Original Papers.]

Much honoured in the Lord,

THOUGH wee doe, and may truly, professe ourselves to be both unfit and unwilling to interpose in a matter of such state and weight, as we conceive this French Affair to bee, yet the honour we owe to the religion we professe, the loyalty we beare to our native country, especially in its present condition and the reference wherein it stands to the kingdome of France, out of respect to the reputation of our government and governors, our tender care of the souls and lives of such as are committed to the trust thereof, the eye of care we ought to have upon our friends in the east, our regard to our christian confederates, so lately combined with us, in confidence of our piety and wisdom, and the religious discharge of our own consciences and duties, will not permit us to be silent, so long as there is any roome left for us to speake. We have littel hope to revoke resolutions soe farre transacted and ripened, but we presume it shall not be taken amisse, if we labour to wash our hands wholly of this designe, and what ill consequences soever it may produce. The reasons

fons moving us hereto, are our deepe feares that the stated rules of undertaking warres, either by proper and direct enterprize, or by lending ayd, have not been so duly observed, as we could wish.

I. The grounds of warre ought to be just and necessary. For the justice of this warre by La Tour against Daulnay, we conceive that all the light New England hath, or may probably receive, cannot be sufficient for us to determine it positively; we understand it hath beene variously judged in the courts of France, one while for Daulnay, another while for La Tour, and it is not impossible that La Tour hath now rather outfriended than outpleaded Daulnay; we shall therefore run into an unchristian premunire of presumption if we resolve upon such an enterprize with an irresolved faith, *in causâ dubiâ bellum non est suscipiendum*. For the necessity of it it must either be in point of charity towards de La Tour or upon some engaging interest of our owne. For any bond of charity, we conceive the speech of the prophet to Jehoshaphat, 2 Chron. 19. 2. and of Solomon, Proverbs 25. 17. not only discharge but strongly prohibite us. 1. For owne interest, if it be cleare that Daulnay hath offered us such great wrong as invites us to a warre which we much question for it must be *atrox injuria*) we suppose it would stand more with the honor of our religion and plantation, to proceed professedly and orderly against him, then for us English to become but margent notes upon a French text, which to us is as yet but apocripa; and to undertake him upon more certaine grounds, and at a more seasonable time when he doth less expect us and is not so well Provided for us as now he is. Warres are extreme remedies and are not to be enterprised unless their causes will bear out all manner of effects and consequences, whether personall or nationall, which may ensue. And what may not ensue, if either of the nations to whom we belong will comment upon our action in a state language? And how apt a time this is for misconstructions we cannot be ignorant. The spirit of warre is scholastick and jesuitical, traversing the very positions and principles, which peace hath held both dogmatical and irrefragable, even to the wonderment of rational men. We are informed that Daulnay desires our friendship, and we are inclined to believe that if it did as well become him to appeal to our judgment as it ill beseemes us to expect it, he would not refuse to cast himself upon our compromise.

II. Warres ought not to be undertaken without the counsell and command of the supreme authority, whence expeditions issue. It is not hard to say, the present reference betweene the kingdomes of England and France considered, that the subjects of the one ought not to wage warre against the other without a publick commission of state, unless it be in defence upon a sudden assault: Neither do we yet heare that La Tour himself hath any such commission for this his action; though if he had it were little to us. It is a rule observed amongst confederates, that during any league of peace betweene them, one friend may not ayd another against any

part of his province till that part be proscribed by the authority of a generall assembly whereof it is a member, and the confederates assured thereof in a state way. The breach of this rule is a breach of league. Publick actions of hostility worke farre and wide, having their national and confederal influences and consequences. The daggers we draw here may happily prove swords in Christendome for ought we know.

But this designe, whatever the cause was, seemed shy even of our New-English Counsel to warrant and guide it: How closely it concerns the peace and safety of the whole plantation may easily be conjectured, and how farre it declined the advice thereof in a representative course we are very sorry to consider or mention.

We dare not so much impeach the honour of the advisors as to think they would vaile the action with this, that they only permit and give way to voluntiers; for who knows not this to be a rule of state, that not to forbid, when there is notice and power, is to bidd.

This were also to proclaime our weaknes, in prostrating our government to nothing; for who is ignorant that to permit volunteirs to issue out in ayd of a friend is never done without an act of state, where any state is?

Daulnay, nor France, are not so feeble in their intellectualls as to deeme it no act of state, when, upon consultation with some of our chiefe persons, our men are suffered, if not encouraged, to goe forth with our provision and munition upon the designe: We do therefore wonder that our people, having no warrant from authority, will, of their own heads, runne such a hazard of their foules and lives, as can neither looke for any prayers or thanks for their good succeſſe, nor any succours if it fares ill, and as it may fall out, rather call for the curses of their friends from whom they went, and of posterity yet unborne, and yet these poore men presume that if Daulnay should say, as the King of Egypt to Josiah, what have I to do with thee, thou King of Judah? I come not out against thee this day, but against the house with whom I have warre, or if they should shed innocent blood or feel their owne foules dropping suddenly into hell, they had their warrant from the Counsel and countenance of those upon whom they might and ought to confide. It were to be wished they had been taught the Germane proverb, which sayth, He that loseth his life in an unnecessary quarrel dyes the Devill's martyr. Had they had the voyces of the people with them, it had bene better than nothing; but that wind seemes to us to blow strong in the teeth of their voyage. We shall presume to propound these questions. 1. If Daulnay or France shall hereafter demand any of them from us as enemies, or murderers, whether will our court protect or deliver them? 2. If any of the parents or wives shall require their lives at our hands, who shall answer them? 3. If any of their widdowes or children shall require sustenance, or any maimed

ed souldier in this expedition call for maintenance, who shall give it them? or if taken captive and made slaves, who shall rescue or redeem them?

3. The ends of warre ought to be religious: What glory is intended hereby to God we see not, and how our peace shall hereby be settled we foresee not, but suspect it will rather be a beginning than an end of our troubles and feares, if we do not wholly suppress Daulnay, we may be sure of it. He is already very strong, and if our shippes and munition fall into his hand, it will diminish from us, and incourage, exasperate and strengthen him.

If La Tour prevaile he is like to cavill with our men for some miscarriages, or we with him for non-payment. The passage of our ships to and from England hath hitherto beene quiet and safe, in regard of the French, but we cannot so expect it hereafter, if they shall meete with any of La Tours or Daulnays special friends, or at least with the friends of such of them as we shall seeme to wrong. *Bellum contra hostem non est suscipiendum cum periculo reipublicæ, &c.*

4. Undertakings of warts ought to be probably feasible, but this seemes not soe to us. We learne out of the East, by an eye witnesse, that Daulnay is very strong, in artillery, men and munition, at land, and very well provided at sea, insomuch that some of the East have consulted to repayre to him in his ayd, least he should upon revenge annoy and ruine them; he is reported to be a valiant, prudent and experienced souldier and commander, and defendants have great advantages of assaylants, soe that we feare, our sheep have hastened to their slaughter.

5. Lastly, the manner of enterprising warre calls for many rules, according to scripture and the custome of religious and ingenuous nations, as to summon and give warning before they strike: To heare what the defendant can pleade for the justice of his cause, or to offer termes of peace with equal articles, and to give special cautionary commissions and commands how farre to persist in ayd, and when to desist; but we neither can send fitt men for such charges, nor can we prescribe such directions, without a professed imbarquing ourselves in the action; which, it seems, is wholly declined on our parts.

We therefore trouble you no further, only we iterate our protestation, that we are and desire to be held cleare and innocent of this undertakeing, and

Your worships in all christian affection
and services,

RICHARD SALTONSTAL,
SIMON BRADSTREET,
SAMUEL SIMONDS,

NATH. WARDE,
EZ. ROGERS,
NATH. ROGERS,
JOHN NORTON.

5th, 14. 1643.

COPY of a Letter from Mr. ENDECOTT to Governor WINTHROP, about
the FRENCH.

[Hutchinson's Original Papers.]

Dearest Sir,

I FINDE that your troubles are many, and especiallie about this French business. The Lord in mercie support you. I am much grieved to heare what I heare; and I see more of the spirits of some men than ever I thought I should see. The Lord rebuke Satan. Sir, be of good comfort, I doubt not but our God that is in heaven will carry you above all the injuries of men; for I know you would not permitt any thinge, much lesse act in any thinge that might tend to the least damage of this people, and this I am assured of, that most of Gods people here about us are of the same minde. The rumours of the countrey, you know, they rise out of ignorance principallie, and much out of fears; wherefore I pray you, let there be satisfaction given as soone as you convenientlie can, in the way you wrote me of; for I finde the spirits of men in this cuntry are too quick and forward. I cannot excuse myselfe, yet I blesse God, not to wrong you, but according to the information and light I received from you, I acted publickly so farre forth as to break down all prejudices against yourselfe or the rest that advised with you. Our prayers here are publickly and privately for a good issue of it, and that continually. I hope God will look upon your sinceritie in mercie and will heare our requests.

I see no good use of such protestations as I heare of, but they may prove more dangerous than the French business by farre, if our God hinder not. However, it will be of use (God directing) to make a holy use of it.

Touching my coming to Boston about the Dutch business, I cannot see how it will be of any use: For the messenger cannot have a determinate answer till the general court, and to morrow we have appointed many of the towne for the working of the fort, which, unless I be there, there will not any thing be done, and I received not your letter till this day after our lecture.

I conceive, if you doe any thinge about Mr. Oatleys business, that you also will be pleased to appoint some day and grant some summons to him, that he may bring in his witnesses, that there may not be any just ground of exceptions given: For hee speaks as if hee were much wronged in all the testimonies taken against him, and that he can disprove them, &c.

Touching

Touching the note about Bushrode, I shall bring it with me (God willing) the next court.

The Lord our God be with you, to uphold you, and to continue you amongst us to do yet further service, to whose grace I commit you.

Yours ever truelie to serve,

Salem, 26. 5th mo. 1643.

JO. ENDECOTT.

The GOVERNOR's Answer to the IPSWICH LETTER about LA TOUR.

[Hutchinson's Original Papers.]

Gentlemen and beloved brethren,

IT is not unknowne to you, that (through the Lords gracious assistance) I have thankfully embraced and submitted unto the wise and loveing advise and admonitions of any of my brethren; and truly it is still my desire so to doe: And this (I hope) may well stand (upon this present occasion) with the maintenance of what is good and righteous in our cause, about this French busines, and with that faithfulness that is againe required of me towards you all, whom I love honour and reverence in the Lord. And though I have lately written to you about this matter, yet that which I have since received from you calls upon me for some addition and answer also; which I do not with any purpose to contend, but in discharge of my conscience and duty of my place, and let the Lord do what seemes good in his eyes.

The protestation, which was directed to my selfe first, but came to me through many hands (and who it seemes it was intended by you, being sent unsealed) was entertained of me as proceeding from your zealous care for the publick safety: But, considered in it selfe, it is an act of an exorbitant nature, out of rule, out of season, and of dangerous consequence. Such protestations are publique and judicial acts, and therefore must be warranted by some authority, which appears not in this. I know no law, order, custome or &c. that can give power to 3 assistants, by any such publick instrument, to contradict the proceedings of a greater number, the Governor also being one of them; and how it will consist with the obligation of a freeman is also considerable. Suppose now, 3 other assistants and so many elders should protest against your protestation, it would be of equal force, and as warrantable for ought I knowe. Againe, it comes not like Solomons apples of gold in plates

plates of silver ; it is *consilium popt factum* : Whereas, if you had sent it in season, it might perchance have stopped those proceedings which you so much complaine against ; whereas, at present (you know and may see) you do but beate the ayre, and strive for that which (you are sure) you cannot reach. It is also of dangerous consequence in these respects. 1. It may be a president for others to attempt the like in any case ; for you take upon you the sole judgment of your owne act, and if others may have the like liberty, they may countenance their opposition to authority, as well in evill causes as in good. 2. It blowes a trumpet to division and dissention amongst ourselves, magistrates protesting against magistrates, elders against elders, blameing, condemning, exposing brethren to the peoples curses, and casting them down to hell it selfe ; and all this must be indured while we walk after the light God affords us from his owne word, and the presidential acts of former times, and of our owne generall court (as will be expressed hereafter) whereas the way of God, and of order, and of peace, had beene to have referred your grievance to the generall court, and not by such an unwarrantable protestation and outcry against your brethren to incite the people against them ; whereof, if any evill effect should follow, your protestation of innocencie would afford you little comfort or defence. 3. This is the ready way to hasten upon us the evill so much feared : For if Daulnay understand our divisions to be such, as he is like to have a party amongst ourselves, (as you declare intelligence to be) this may imboulden him to attempt that against us which, otherwise, he dared not have done. ' It is also against the rule of justice, your owne plea on Daulnays behalfe, for you passe sentence and publish it without calling us to answer : It may be one or two of you have accidentally heard us speake somewhat about it, but did you ever enquire of us, if we had any more to say for our selves, why judgment &c. For you will find we have more to say for ourselves than you formerly heard, and it is a necessary consequence, if you had power to be our judges, you had the same to require our answer. I create you to call to mind the beaten rule of equity, *Qui aliquid statuit parte inaudita altera*, &c. We are condemned in court, in country, by private letters and by publick edict, and never asked, Why have you done this ? and all this carryed on, and unseasonably dispensed as no man can tell (nor do yourselves propound) what you would have, or how it may tend to any publick good or prevention of that great danger which you suppose to hang over us ; except it may be conceived that, either Daulnay will be pacified with a protestation, or the people will be stirred up to sacrifice some of us to make their owne peace. You say, indeed, you will hereby be innocent of all the evill that may ensue, &c. Amen, say I ; but surely wise men will not believe that such a protestation will acquit you, either before God or men : No more than if one of the magistrates sitting silent in the court while a man is condemned, and after he is executed shall tender a protestation of his dissent from the sentence.

And truly (brethren) you might have dealt a little more tenderly with us, for such failings as you have apprehended in our counsells, being the fruite but of a few houres consultation; seeing your selves, (upon so many weekes deliberation) could not free your owne acts from such miscarriage as you see your protestation, out of date and out of course, doth hould forth.

This I thought needfull to tender to your wife and christian consideration, concerning your protestation in generall: Somewhat I must say to your arguments, beside what may concerne them in my former writings. But, first, you may please to consider that it cannot be denied but that the Governor, assisted with some of the magistrates, may take order for such sudden affaires of the state as either need not, or cannot, stay the assembling of the general court; of which sort, we conceived this was (the reasons you may see in my former writing) and when, in such cases, we have proceeded according to our best skill and judgment, we are to be excused, and so it was wont to be: And the generall court seemes lately to have enlarged this trust, when, by the order of (4) 1641, it gives power, out of court, to any 3 magistrates to do that which may occasion a warre, with the Indians, as likely as this with the French: For they may give commission to any master to right himselfe upon the Indians, for his fugitive servant. By like authority it was that some of us disarmed the Indians and imprisoned some of them, upon the late suspicion: And although it was conceived to be full of danger, and proved troublesome and chargeable, yet we were not reproved for it. Other instances might be brought, but in those times, indeed, when such protestations were not in use. Now, in this case of the French, wherein the onely doubt was, not whether we should ingage ourselves in a warre with La Toure against Daulney, or not; for, we know that neither the magistrates nor the generall court it selfe could determine that,* but whether it were safer or more just and honourable for us to stop the course of God's providence, offering us opportunity to save a distressed neighbour, to weaken a dangerous enemy without our charge or engagement, or to suffer it to go on freely in its owne course. Of these two we judged the last to be the best &c. And of this opinion some of us shall still be untill we see stronger arguments against it, than as yet we have met with.

Now for your arguments, (whereof some concerne the preceedings, others the consequences) I will passe by that of Jehosaphat as no parallel to our case; and see if I can free us from that of Prov. 26. And here it may be first observed, that he speaks of one that passeth by, viz. That had no calling or invitation to deale in it. But 2, I will shew that this strife between La Tour and Daulnay doth neerly concerne us: and first in point of duty, in that our distressed neighbour calls to us for

* 3 S

help;

* No War could be declared without the consent of the united Colonies.

help; a speciall providence of God and his owne good opinion of our charitableness brought him to us, for some ends, and no other appearing to us, it was our duty to attend his; nor were we in this case to stand upon the justice of the quarrel betweene them, no more than Abraham did when Lot and the Sodomites were in present distresse; nor than any man would doe, if he saw his neighbour under foote and in danger to be killed, he would first rescue him from danger, ere he enquire of the cause. And how we might withhold such helpe from La Tour which that providence which brought him hither, might here offer him in his apparent distresse and danger of utter ruine, I professe I see no warrant.

For clearing of this point I desire you seriously to consider an argument or two.

1. He is either a neighbour or no neighbour. If he be not a neighbour, then is he in no relation to us by the second table, and then we may rob, beate, or kill him without breach of any commandment. But if he be a neighbour then must we do to him in his distresse, as we would have others do to us in ours.
- 2dly, if he be one of those ALL, to whom by the rule of the Apostle we must doe good (as he must needs be, if he be either of the hould of faith or out of it) then that is the good we must do to him, which he hath most present neede of; and that we may not withhold from him, when it is in our hands to give it him, Prov. 3. 27. I pray you consider the place.
- 3dly, If my neighbours or mine enemies owe be in that state as he cannot get to his place without my helpe, I must helpe him to his place, Exod. 23. 4. much rather my neighbour himselfe, and therefore La Tour and his company being now before us in that condition, we ought to helpe him hence. These are plain and general rules and will not beare distinctions of protestant and papist: For the morall law being given to man by nature was given to him as man, not as man so and so qualified, and therefore when it requires duty from him, it requires it as from a man simply; and when it propounds man as an object of this duty, it propounds him also simply considered without distinction of good or bad, christian or heathen, &c. and our Saviour inforceth this by propounding the example of our heavenly father, who causeth the sun to shine upon the just and unjust, &c. and commands us to follow his example. And the gospell makes this difference only, that in question of priority, or necessity of neglect of one, the faithfull must be preferred. Therefore let us see something of like authority to dispense with these rules, or else we must conclude, that this (so farr as we deale in it) is a thing that concerns us.
- 4thly, As it concerns us in point of duty, so doth it also in point of danger. I have shewed in my former writing, how Daulnay hath dealt with us and our neighbours, when he was weak, what principles he is acted by, and what pre-rences he hath against us; and all histories teach us that the ambition and covetousness of conquerors and spoylers, hath always increased with their power: And shall we not believe that Daulnay onely will be more calmed and moderated by access of

400 foldiers, and 4 or 5000l. yearly revenue: Let the Latin proverb be attended as well as the Germaine, and that will tell us that *res nostra agitur, paries cum proximus ardet*. I may strengthen this concernment by a late Germaine history. When the Bishop of Spiers had begun to raise a strong fortification upon his owne territories, the late Palatine of Rhine demolished it by force of armes in a time of peace, because it might be dangerous to him if warr should arise. And the Lacedemonians being in league with the Athenians (their owne city being unwall'd) would not suffer the Athenians to wall theirs, because it concerned them in point of advantage. And it hath been usual for the States of Europe to interpose in quarrels of their neighbour States, when they have concerned them but in point of danger onely. Now for your discourse about our distinction between commanding and not forbidding, let the distinction be rightly stated as it concerns our practise, and not as you would put upon us, and we hope it will hold so well, as neither the advisers nor the actors shall neede to be ashamed to owne it. We disclaime to have any hand in yielding leave to any of ours to go make warr upon Daulnay, but this we owne and no more, that we gave leave to such as could be hyred, &c. to accompany La Tour and to conduct him to his owne place. And such a permission as this (though it were a commission to this purpose) we stand still to maintaine is no undertaking of warr, nor act of hostility, but a meere liberty of commerce, and if any bloodshed should follow upon it, it is accidentall, and not depending upon this as any cause of it. Nor is it any just provocation of warr, or any breach of peace, nor so accounted among civil states. I shall cleare it by an instance or two both private and publick. If I have a neighbour within a few miles of me suspected to be a robber, if I send my servant to beat him and he doth so, I am a trespasser; if he kill him, I am a murderer. But if a traveller comes by and tells me that he hath a chardge about him, and he is afraid to goe alone on his journey for feare of such a man, and desires me to let my servant go with him (if he be willing) though it be dangerous to his life, and may alsoe prove danger to mee or mine from such robber: And if the traveller be now sett upon by this robber and my servant kills him, we may both justify it.

I will give another instance. A merchant of Spaine being in London, by leave of the King of England, hires a London ship to transport him and his goods into Spaine; upon the way, a Holland man of warr meetes and fights with him, and men are slaine on both sides, yet without any breach of peace on either side, or any act of hostility in the King of England, as it would have beene if he had granred a commission to assault the Hollander: So that you may see there is a wide difference between giving commission to fight and giving leave to be hyred to guard or transport. So as you must needs have beene mistaken in the right stating of the distinction, or else I cannot conceive what your apprehensions should be of the

English

English and Irish and Scottish, who in soe greate numbers, for these many years, have served the States against the Spaniards, and the Spaniards against the States, the Swedes against the Emperor, and *e contra*, without any breach of the peace between those nations. But admit such a permission were against a rule of State; yet, if that rule of state be against the rule of charity, it will not be hard to judge which must give place. I will conclude this argument with that which I touched in my former writing. That which is lawfull for a private person to do, in the way of his calling, the magistrate (if he judge it expedient, or not hurtfull to the commonwealth) ought to furdur or not to hinder him in it. But it is lawfull for the owners and masters of shippes and is in the way of their calling, to be hyred by La Tour, to convey him to his rightfull habitation, and we judge it no way hurtfull but advantageous to this commonwealth; therefore we did well according to the duty of our office, in yielding leave to them, and in not hindering them. And it is no sufficient plea against it, to say that we know not the justice of his cause; for that will not concerne us in this case (and yet we do know it in good measure) But if our shippes shall be opposed in their lawfull course, the justice of their cause will lye in that: As for example: A man travaileing in a waggon in England, and carrying his goods with him, his creditor sets upon the waggon to take his debtors goods from him by force, the waggoner may defend him and his goods, being now in his charge, without any respect to the former ingagement; for the justice of his cause ariseth upon another ground. Neither is there any need to send to Daunay before they goe (no, though they went of purpose to fight with him) for besides divers examples in scripture to warrant the forbearance of it, the rule in Deut. 20. 10. gives other direction: When thou comest neere to a city to fight against it, thou shalt send to offer peace, &c. This point being thus cleared; that we have not enterprised any warre in this our proceeding, all your complaints against us, and all your arguments tending that way do fall to the ground. This is not the case, neither are we the men, and therefore I shall not need to examine your reasons and allegations against such; nor am I willing to mention these passadges wherein our power seemes to be so much slighted. I dare not believe that you intended all that is held forth in them. I look at your queries alsoe as raised upon the same mistaken grounds, which being now cleared to you, you will easily resolve yourselves about them. And yet this I will propound to your consideration, which may be a full answer to them all in the most knotty construction, viz. If our brethren should erre in their way and thereby bring themselves into distresse, yet (if we must pardon them upon their repentance) sure we may not desert them, nor hide our eyes from their misery. If any of our confederates (through humane infirmity) should against their covenant, bring a just warre upon themselves, yet if they call to us for helpe, and tender themselves to

equal

equall satisfaction, we must not leave them to destruction. No relation amongst men could stand or be usefull, if meere error (which we are all continually subject to) might dissolve it, or obstruct the vitall spirit which should breathe in it.

Whereas you object that, in this permission, we make the state but a cypher: I answer, the state hath the same influence into this which it hath into other merchants voyages, by a general and implicit consent, which may be sufficient in so free a state as ours is; where there is no restraint upon persons or ships (but upon special occasion) they goe and come at their liberty.

Now for the point of danger. I conceive, first, the rule of the Apostle Peter will hold even in this case; while we do well we are not to be frighted with any terror. Again, there is no course or voyage undertaken by us, but it may expose the undertakers to perill, and may occasion displeasure and danger to us from abroad; but such dangers have not hitherto deterred us from any probable way of our safety or advantage; nor have we sustained any harme-hitherto, by casting ourselves upon the Lord and his good providence in such cases. I will remember you of some. When we first set up reformation in our church way, did not this expose us to as great a hazard as we could run, both from abroad and at home? Did not our friends in England, many of them, forewarne us of it ere we came away? Did not others send letters after us, to deterre us from it? Did not some among ourselves (and those no mean ones) inculcate our inevitable dangers at home, from no small company left out of church fellowship, and civill offices, and freedome hitherto? Yet we trusted in God (though there appeared no meanes of safety) and went on our way; and the Lord hath still preserved us and frustrated all counsell and attempts against us. Again, when upon grievous complaints against us to the Lords of the Privy Councel, of such civil innovations amongst us as we could not justify by the laws of that state, a strict order and command was sent to us to deliver up our patent, or else to expect to have it fetched by force, what greater danger could be towards us than appeared in not obeying of this command? Yet we had then courage enough to returne an answer without our patent. When we undertooke a warre against the Pequots which no necessity put us upon, but only in point of conscience (they had done us no injury) on others behalfe, there were more objections (in point of dangerous consequences) against that, than against this; our friends of Plimouth complained of it, and wrote to us accordingly; so did our friends of Connecticut, laying forth the dangers we had exposed them unto by it, wishing we had forborne to a siter season; but neither of them protesting against it: Yet in due time the Lord's hand appeared in it, to the good of the whole country, and we felt but little of those great dangers which were justly to be feared. Our intelligence was believed, which was heard long since, and hath been more certainly confirmed of late, that the

jesuitical State * have had an evil eye upon us, and not without cause (as themselves apprehend) and though we looke at this as the head of all foreign enmity, yet the Lord hath still faved us, and that without any great impression of feare upon our spirits. In the treaty about our confederacie, the doubtful construction of it in England, the danger from a General Governor (especially in regard of our brethren of Plimouth) the necessity of our being involved in the quarrel with the Dutch, on the behalfe of our brethren of Hartford, were taken notice of by the generall court and many of the elders, &c. yet neither would the court be deterred from entering into that brotherly league, nor were our elders or people troubled with feare of those dangers. And now, lately, when we received Pumham and Sawconoco into our jurisdiction, the generall court considered how offensive it would be to the Narragansets, and so likely to ingage us in a warre with them; yet, the thing being lawful and expedient for us, and giving hope of opening a doore to the conversion of some of them, they would not let slip the opportunity of such advantages, for the feare of doubtful dangers. More I might add: All amounts to this summe, the Lord hath brought us hither, through the swelling seas, through perills of pyrates, tempests, leakes, fires, rocks, sands, diseases, starvings, and hath here preserved us these many yeares from the displeasure of Princes, the envy and rage of Prelates, the malignant plots of Jesuits, the mutinous contentions of discontented persons, the open and secret attempts of barbarous Indians, the seditious and undermining practices of hereticall false brethren; and is our confidence and courage all swallowed up in the feare of one D'Aulnay? Admit we should have stepped aside out of our way, doth the favour and protection of our God wholly depend upon our perfect walking? Were we never out of our way before, under all our former mercies and deliverances? Did Abraham, Isaac, Jacob, David, Jehosaphat, the people of Israel, Judas, and others, never find protection and deliverance, when, by infirmity, they were found to be out of their way? If they did, why may not we still seeke and hope for the like, seeing the Lords mercies indure for ever? For my part (if there were not other sins, which God may have a controversie with us for) I should little feare any harm from this. If any breach were made in our peace, this is not the way to make it up. We may bring more displeasure and danger upon ourselves, by the divisions and breaches of rule which may be occasioned by our unseasonable striveings about that which is now past remedie, than would otherwise arise from any miscarriage in the busines it selfe, in the worst construction that can be made thereof.

The feare of man bringeth a snare; but he that trusteth in the Lord shall be safe. Prov. 29. 24.

J. W. G.

COPY

* They were in great fear of the French when they settled under Richlieu, at Port Royal, and afterwards, when D'Aulnay came to Penobscot. See *Mass. History*, V. I. p. 28.

COPY of a Letter from Mr. SIMON BRADSTREET to Governor WINTHROP.

[Hutchinson's Original Papers.]

Right worthy Sir,

I RECEIVED, together with others, two letters from yourselfe, concerning the French Affaire, and had I not hoped that you should have received a finall answer from us long before this tyme, I should not have been so longe silent, nor shewed soe much seeming neglect, but being now almost out of hope of accomplishing that which was intended, I thought meete to present you with these few lynes. Howe unpleasing it was to mee for to expresse my selfe by word or writeing contrary to the apprehension of your selfe and other friends, both godly and wise, whome I both love and honour, hee that is the searcher of hearts knoweth; and howe farr it was from my will or intent, when I sett my hand to that letter you received, to cast any dishonour upon your selfe or others, I hope in tyme you shall know and be fully perswaded of. The truth is, our ayding of Latour was very grievous to many hereabouts, the designe being feared to be unwarrantable by dyvers, as the case stands with us; of which number I confesse I was, and soe still remaine one, and though the busines was soe farr proceeded in before wee writt the letter, as (for my parte) I had noe hope of stayeing the shippes, yet some of us thought it might be of good use to intimate that some cautions might be given to those that went, and they be strictly required to observe the same, that soe the undertaking might be preserved from sinne and the common wealth from damage, soe much as the case was capable of, which cautions if refused, then to signifie under our hands, our not consenting to the proceeding, with our reasons thereof; but for any protestations against the act, condemning it, we never intended it, but frequently fully and expressly declined it, soe the sending the letter without those cautions and after the shippes were gone, concernes those to answer that did it, for my part I was much troubled att it so soone as I heard of it. What errors may be found in our letter for matter or manner of expression (it being intended no otherwise than I have expressed) I shall be farr from owneing or justifying when they shall appear; this I can truly say, wee were solicitously carefull (according to the little tyme wee had) not to write any thing that might be matter of just offence, and I hope a favourable interpretation of words (our intention being rightly understoode) may free it from blame. Concerning the arguments you alledge to warrant the designe, I shall forbear saying any thing att present, not having either of your letters by mee, but rather leave them to be answered by the elders, whoe it is likely will shortly visit you upon other accounts, and for my selfe I hope to wait upon you att the court,

when

when wee may have an opportunity to speak further about the same; and for those many heavy imputations, which your last letter chargeth us with, being chiefly grounded upon the tyme and manner of sending our letter (of which I had noe knowledge) I hope you will see cause to excuse mee of, as noe wayes discerning the same, foe humbly praying the God of love and peace to preserve us in peace and unity, and this whole plantation from wayes of sin and provocation, I remain

your worships unfeignedly
to love and fear you in the Lord,

21st of 6th mo. 1643.

SIMON BRADSTREET.

*COPY of a Letter from Mr. ENDECOTT to Governor WINTHROP,
about the Misdemeanors of GRIFFIN's Company at GLOUCESTER.*

[Hutchinson's Original Papers.]

Dearest Sir,

I HEARD nothing further of Gloucester busines till the third day of this week at even, when I received a letter from Mr. Blinman, together with a complaint of the towne against Griffens companie for several misdemeanors. And at the foote of the complaint a reference from yourselfe and 3 other magistrates to me, for the redresse of them. I therefore dispatched away a messenger betimes the next morning, with a letter to Mr. Griffen, that he would send me such of his men whose names I had underwritten his letter, to answer to the misdemeanors of sabbath-breaking, fwearing and drunkennes: And withall I sent a letter with instructions to Mr. Blinman, with a warrant addressed to the constable; that if Mr. Griffen would send his men, that the constable should attach their persons and bring them before mee: If they did resist or refuse, not to strive with them nor to use any provoking termes, but to take witness of their carriage and to returne mee an answer; which here I have sent you inclosed. I would have proceeded against them according to your former directions (to wit) with force; but I had rather, if you see good, try first another way, which is, to send a prohibition under your and divers of the magistrates hands besides, forbidding Mr. Steephens and the rest of the ship-carpenters there, or any where within this jurisdiction, upon some penaltie, not to worke a stroke of worke more upon Mr. Griffens ship till they had further order from the Governor, &c. I desire therefore to heare from you what you would have done. In the meane tyme, I have written away another letter

to Mr. Griffen, wishing him to counsell his men (if he can command them) to submit to authoritie, seeing they stand out to their owne los and disadvantage. What his returne will be you shall heare assoone as I can send it.

I pray you, good Sir, let me be excused from coming to this court, for I am not fitted for winter journeys, and for such bad wayes as we must passe.

I want much to hear of your sonnes iron and Steele. If the country will not be encouraged by so usefull a designe, to enlargeth themselves for the advantage of it, I know not what will.

The Lord our good God in mercy keepe you and yours, to whose grace I committ you and rest

Yours truelie and unfeignedly,

Salem, 1. 10 mo. 1643.

JO. ENDECOTT.

I am glad to heare of your sonne Mr.

Steevens safe returne, together with his beloved. I desire to be kindly remembered to them both.

*A short ACCOUNT of the *MAQUAAS INDIANS, in NEW-NETHERLAND, their Country, Stature, Drefs, Customs and Magistrates, written in the Year 1644. By JOHN MEGAPOLENSIS Jun. Minister there.*

[Translated from the Dutch.]

THE Land here is in general like that in Germany; the Country is good and well provided with all the Necessaries of Life, except Cloaths, Linnen, Woolen, Stöckings, Shoes, &c. they are all dear. The Country is very mountainous, some Land, some Rocks, and so exceeding high that they appear to touch the Clouds; thereon grows the finest Fir I ever saw; there are also in this Country, Oaks, Alder, Beech, Elm, Willow, &c. In the Forests, by the Water Side, and on the Islands, there grows wild Abundance of Chestnuts, Plumbs, Hazle Nuts, large Walnuts of several Sorts, and of as good a taste as in the Netherlands, but they have a somewhat harder shell: the Hills are covered with Thickets of Bilberries, the flat Land, near the Rivers is covered with Strawberries, which grow in such Plenty in the Fields, that we go there and lie down and eat them; Vines also grow here naturally

in great Abundance along the Roads, Paths, Creeks, and you find them wherever you turn yourself. I have seen many Pieces of Land where Vine stood by Vine and grew very luxuriant; climbing up above the largest and loftiest Trees, and although they were not cultivated, the Grapes were as good and sweet as in Holland. Here is also a Sort of Grapes which grow very large, each Grape as big as the end of one's Finger, or a middle sized Plumb, and because they are somewhat fleshy and have a thick Skin we call them Speck Druyven*. If we would cultivate the Vines we might have as good Wine as they have in Germany or France. I had myself last Harvest a Bout Load of Grapes in Press: while the Wine was new it tasted better than French or Rhenish Must, and the Colour of the Grape Juice is so high a red, that one Wine Glass full will colour a whole Mug of white Wine. In the Forests is great Plenty of Deer, which in Harvest time and Autumn are as fat as any Holland Deer can be; I have had them with Fat more than two Fingers thick on the Ribs; and likewise that they had no other than clear Fat, and could hardly be eaten. There are also many Turkies as large as in Holland, but in some years less than in others: the year before I came here there were so many Turkies and Deer that they came to the Houses and Hog Pens to feed, and were taken by the Indians with so little Trouble, that a Deer was sold to the Dutch for a Loaf of Bread, or a Knife or even for a Tobacco-Pipe, but now we commonly give for a good Deer six or seven guilders. In the Forests also are many Partridges, Pheasants and Pidgeons that fly in Flocks of thousands, and sometimes 10, 20, 30, and even 40 and 50 are killed at one Shot: we have here too a great Number of several Kinds of Fowl, Swans, Geese, Ducks, Widgeons, Teal, Brant, which are taken by Thousands upon the River in the Spring of the Year, and again in the Fall fly away in Flocks, so that in the Morning and Evening a Man may stand ready with his Gun before his House and shoot them as they fly past. I have also had here several meals of Elks, which were very fat and tasted something like Venison, and besides these profitable Beasts we have also Land-Lions†, Bears, Wolves, Foxes, and particularly very many Snakes, which are large and so long as 8, 10 and 12 Feet; among others there is a Sort of Snake, which we call Rattlesnake, from a certain rattle which is in its tail, two or three fingers breadth long, and has ten or twelve joints, and with this rattle it makes a noise like the *Crekels*‡ its colour is variegated like our large spotted Dogs; they have very sharp Teeth in their Mouth, and dare to bite Dogs; they do not fly from either Man or Beast, but fall on and bite them, and their Bite is very poisonous, and commonly even deadly too. As to the Soil of this Country, that on the Mountains is a reddish Sand

* Pork-Grapes.

† This is a literal Translation; I suppose the Author meant Panthers.

‡ An Instrument used by the Watch in Holland.

Sand or Rock, but in the low flat Lands, and along the Rivers, and even in the Sides of the Mountains for an hundred or two hundred Paces up there is often Clay-Ground: I have been up the Mountains here, as high as a Church, to examine the Soil, and have found it to be Clay, and in this Ground there appears to be a singular Strength and Virtue, for bearing a Crop, for a Farmer here told me that he had clean-Wheat off the same kind of Land eleven Years successively without ploughing it or letting it lay fallow. The Butter here is clean and yellow as in Holland. Past this Land runs an excellent River, about 500 or 600 Paces wide: this River rises in the *Mabakas* Country about four Miles* North of us; there it comes between two high rocky Shores, and falls from a Height equal to that of a Church, with such a Noise that we can sometimes hear it with us. In the beginning of June twelve of us took a Ride to see it; when we came there we saw not only that the Water fell with such a Noise that we could hardly hear one another, but it dashes against the Rocks with such force that it rebounds and raises a Fog in still Weather, so that all the Time it was as if it had been raining, and the Trees on the Hills there (which are as high as *Schoorler Duyn*) had their Leaves wet exactly as with Rain: the Water is as clear as Chrystal and as fresh as Milk. I and another with me saw there in clear Sun Shine, when there was not a Cloud in the Sky, as we stood upon the Rocks opposite the Fall of the River, at a great Depth, half a Rainbow, or a Quarter of a Circle, of the same Colour with the Rainbow in the Sky, and when we had gone about ten or twelve Rods farther Northward from the Fall, along the River, we saw very plainly in the Water a complete Rainbow, or half a Circle, just the same as if it had been in the Clouds, and this is always to be seen by those who go there. In this River is great Plenty of several Kinds of Fish, Pike, Eels, Perch, Lampreys, Suckers, Cat Fish, Sun Fish, Shad, Bafs, &c. In the Spring, in May, the Perch are so plenty, that one Man with a Hook and Line will catch in one Hour as many as ten or twelve can eat: my Boys have caught fifty in less than an Hour, each a Foot long: they have a three-pronged Instrument with which they fish, and draw up frequently two or three Perch at once. There is also in the River great Plenty of Sturgeon, which we Christians do not make use of but the Indians eat them greedily. In this River too are fine Islands of ten, twenty, thirty, fifty Morgen† of Lands, which is very good, but the worst of it is, that by the melting of the Snow, or heavy Rains the River probably overflows and covers that low Land. This River ebbs and flows as far as this place although it is thirty-six Miles inland from the Sea.

What relates to the Climate of this Country, and the Seasons of the Year, is that here the Summers are pretty hot so that for the most Part we are obliged to go in
our

* A Dutch Mile is equal to four English.

† A *Morgen* is about two Acres.

our Shirts, and the Winters are very cold. The Summer continues till All Saints Day, but then the Winter sets in the same Manner as it commonly does in December, and it freezes so much in one Night that the Ice will bear a Man; even the River itself, in still Weather, is covered with a hard Cruft, and freezes in one Night so much, that the second Day we can go over it, and this Freezing continues commonly three months; for although we lay here in 42° yet it always freezes so, but there comes sometimes a warm and pleasant Day, yet the Thaw does not continue, but it freezes again till March, and then commonly the River first begins to open, seldom in February. The greatest Cold we have from the North West, as in Holland from the North East. The wind here is very seldom East, but almost always South, South West, North West and North.

In our shortest Winter Days we have nine Hours Sun; in the Summer, in our longest Days, about fifteen Hours. We lie so far West of Holland that I judge you are about four Hours before us, so that when it is *six* o'Clock in the Morning with us, it is *ten* with you, and when it is *Noon* with us, it is *four* o'Clock in the Afternoon with you.

The Inhabitants of this Country are of two Kinds; 1st. Christians so called; 2d. Indians: of the Christians I shall say nothing; my Design is to speak of the Indians only: these among us are of two Kinds, 1st. the *Mahakinbaas*, or as they call themselves, *Kajingabaga*; 2d. the *Mahakans*, otherwise called *Agotzagena*. These two Nations have different Languages, each having an Affinity to the other, as the Dutch and Latin. These People have formerly carried on a War against each other, but since the *Mahakanders* were subdued by the *Mahakobaas*, a Peace has subsisted between them, and the conquered are obliged to bring a yearly Contribution to the others. We live among both these Kinds of Indians, and they coming to us from their Country, or we going to them, do us every Act of Friendship. The principal Nation of all the Savages and Indians hereabouts with which we are connected, are the *Mahakuaas*,* who have laid all the other Indians near us under Contribution. This Nation has a very heavy Language, and I find great Difficulty in learning it so as to speak and preach to them fluently: there are no Christians who understand the Language thoroughly; those who have lived here long can hold a kind of Conversation, just sufficient to carry on Trade, but they do not understand the Idiom of the Language. I am making a Vocabulary of the *Mahakuaa* Language, and when I am among them I ask them how Things are called; then, as they are very dumb, I cannot sometimes get an Explanation of what I want. Besides what I have just mentioned, one will tell me a Word in the *Infinitive*, another in the *Indicative* Mood; one in the *first*, another in the *second Person*; one in the *Present*,

I

another

* Mohawks.

another in the *Præterperfect* Tense: So I stand sometimes and look, but do not know how to put it down: and as they have their *Declensions* and *Conjugations*, so they have their *Increases* like the Greeks, and I am sometimes as if I was distracted, and cannot tell what to do, and there is no Person to set me right; I must do all myself in Order to become an *Indian Grammarian*. When I first observed that they pronounced their Words so differently, I asked the Commissary of the Company what it meant, and he told me he did not know, but imagined they changed their Language every two or three Years; I told him it could never be that a whole Nation should so generally change their Language;—and though he has been connected with them these twenty Years, he can afford me no Assistance.

The Indians in this Country are of much the same Stature with us Dutchmen; some of them have very good Features, and their Bodies and Limbs are well proportioned; they all have black Eyes, but their Skin is tawney: in Summer they go naked, having only their Privities covered with a Piece of a Skin: The Children and young Folks to 10, 12, and 14 Years of Age go Mother-naked: In Winter they hang loosely about them a Deer's, or Bear's, or Panther's Skin, or they take some Beaver and Otter Skins, or Wild-Card's, Raccoons, Martin's, Otters, Mink's, Squirrel or several Kinds of Skins, which are Plenty in this Country, and sew some of them upon others, until it is a square Piece, and that is then a Garment for them, or they buy of us Dutchmen two and an half Ells of Duffels, and that they hang loosely on them, just as it was torn off, without any sewing, and as they go away they look very much at themselves, and think they are very fine. They make themselves Stockings and Shoes of Deer Skin, or they take the Leaves of their Corn, and plat them together and use them for Shoes. The Women, as well as the Men, go naked about the head: the Women let their Hair grow very long, and tie it, and let it hang down their Backs: some of the Men wear their Hair on one Side of the Head, and some on both Sides, and a long Lock of Hair Hanging down: on the top of their Heads they have a Streak of Hair from the Forehead to the Neck, about the Breadth of three Fingers, and this they shorten till it is about two or three Fingers long, and it stands right on End like Hogs Bristles; on both Sides of this Streak they cut the Hair short off, except the aforesaid Locks, and they also leave on the bare Places here and there small Locks, such as are in Sweeping-Brushes, and they are very fine. They likewise paint their Faces, red, blue, &c. and then they look like the Devil himself. They grease their Heads with Bears-grease, which they always carry with them for this Purpose in a small Basket; they say they do it to make their Hair grow, and prevent their having Lice. When they travel they take with them some Maize,* a Kettle, a wooden Bowl, and a Spoon; these they pack up

* Indian Corn.

and hang on their Backs, and when they are hungry they make a fire and cook :— they can get Fire by rubbing Pieces of Wood very briskly against one another. They live in common without Marriage, but if a ny of them have Wives the Marriage continues no longer than they think proper, and then they separate, and each takes another Partner. I have seen those who had parted, and afterwards lived a long Time with others, come together again and be Man and Wife, and though they have Wives, yet they will not leave off going a wh—g, and if they can get to Bed with another Man's Wife, they think it a Piece of Wit. The Women are exceedingly addicted to Wh—g; they will lie with a Man for the Value of one, two, or three Shillings,* and our Dutchmen go very much after them.

The Women, when they have lain in, go about immediately afterwards, be it ever so cold———, or they wash themselves and the young Child in the River or the Snow. They will not lie down (for they say that if they did they should soon die) but keep going about. They are obliged to cut Wood, to travel three or four Miles with their Child, in a Word, they go, they stand, they work as if they had not lain in, and we cannot see that they suffer any Injury by it; and we sometimes try to persuade our Wives to lay in so, and that the Way of lying in in Holland is meer Trifling. The Men have great Authority over their Wh—s, and if they do any Thing which affronts them, and raises their Passion, they take an Axe, and knock them in the Head, and there is an End of it. The Women are obliged to prepare the Land, to mow, to plant, and do every Thing; the Men do nothing except hunting, fishing, and going to War against their Enemies: they treat their Enemies with great Cruelty in Time of War, for they first bite off the Nails of the Fingers of their Captives, and cut off some Joints, and sometimes the whole of the Fingers; after that the Captives are obliged to sing and dance before them stark naked, and finally they roast them before a slow Fire for some Days, and eat them: the common People eat the Arms, Buttocks and Carcass, but the Head-men eat the Head and the Heart. Our *Mabakas* carry on great War against the Indians of *Canada*, on the River *St. Lawrence*, and take many Captives, and sometimes there are *French Christians* among them. Last Year our Indians got a great Booty from the *French* on the River *St. Lawrence*, and took three *Frenchmen*, one of whom was a Jesuit; they killed one, but the Jesuit (whose left Thumb was cut off, and all the Nails and Pieces of his Fingers were bitten) we released and sent him to *France* by a Yacht which was going to *Holland*. They spare all the Children from ten to twelve Years old, and all the Women they take in War, unless the Women are very old, and then they kill them. Though they are very cruel to their Enemies, they
are

* A Dutch Shilling is a Coin of six Stivers, worth about Sixpence Halfpenny Sterling.

are very friendly to us: we are under no Apprehensions from them; we go with them into the Woods; we meet with one another sometimes one or two miles from any Houses, and are no more uneasy about it than if we met with Christians: they sleep by us too in our Chambers; I have had eight at once, who laid and slept upon the Floor near my Bed, for it is their custom to sleep only on the bare Ground, and to have only a Stone or a Bit of Wood under their Heads, they go to Bed very soon after they have supped, but rise early in the Morning; they get up before Day Break. They are very slovenly and dirty; they neither wash their Face nor Hands, but let all the Dirt remain upon their tawney Skin, and look as dirty as Hogs. Their bread is Indian Corn beaten to Pieces between two Stones, of which they make a Cake and bake it in the Ashes; they eat with it Venison, Turkeys, Hares, Bears, Wild Cats, their own Dogs, &c. The Fish they cook just as they get them out of the Water, without cleaning, and the Entrails of Deer in the same Manner; they cook them a little, and if the Entrails are tough, they take one End in their Mouth and the other in their Hand, and cut them off between their Hand and their Mouth, and then eat them: So they do commonly with the Flesh, but they cut it a little and lay it on the Fire so long as till we could go from the House round the Church, and then it is done, and when they eat it the Blood runs down their Chins. They can take a Piece of Bears-Grease as large as two Fists, and eat it without any Bread. It is natural to them to have no Beards, not one in an hundred has any Hair about his Mouth: they have also naturally a great opinion of themselves, and when they praise themselves they say *Iby Othkon*, (I am the Devil;) they mean by it that they are very brave. In order to praise themselves and their People when we tell them they are very expert at catching Deer, they say, *Tkofchs ko, agurweechon Kajingabaga kouaane Jountuckcha Othkon*, that is, *Really, all the Mobawks are very cunning Devils*. They make their Houses of the Bark of Trees, very close and warm, and place their Fire in the middle of them: they also make of the Peeling and Bark of Trees *Canoes*, or small Boats, which will carry four, five and six Persons: in like Manner they hollow out Trees, and use them for Boats; some of them are very large. I have sometimes sailed with ten, twelve and fourteen Persons in one of these hollowed Trees; we have in our Colony a wooden Canoe taken from the Indians, which will easily carry two hundred Schepel* of Wheat. The Arms used by the Indians in War were formerly a Bow and Arrow with a Stone Axe and Mallet, but now they get from our People Guns, Swords, Iron Axes and Mallets. Their Money consists of certain little Bones, made of the Shells of Cockles which are found on the Beach; a Hole is made through the middle of the little Bones; and they are strung upon Thread, or they

* A Schepel is equal to three Pecks.

make of them Belts as broad as a Hand or broader, which they hang on their Necks and on their Bodies: they have also several Holes in their Ears, and there they hang some; and they value these little Bones as highly as many Christians do Gold, Silver and Pearls, but they have no Value for our Money, and esteem it no better than Iron. I once shewed one of their Chiefs a Rixdollar, he asked how much it was worth among the Christians, and when I told him he laughed exceedingly at us, saying we were Fools to value a Piece of Iron so highly, and if he had such Money he would throw it into the River. They place their Dead upright in Holes, and do not lay them down, and then throw on the Grave some Trees and Wood, or they enclose them with Palisades. They have their set times for going to catch Fish, Bears, Panthers, Beavers, and Eels: in the Spring they catch vast quantities of Shad and Lampreys which are very large here:—they lay them on the Bark of Trees in the Sun, and dry them very hard, and then put them in a Bag which they make of wild Hemp, and keep them till Winter when their Corn is ripe; to keep them from the Air, they dig a deep Hole and preserve them therein the whole Winter. They can make Nets and Seines in their Way, and when they want to fish with Seines, ten or twelve Men will go together and help each other, all of whom own the Seines.

They are entire Strangers to all Religion, but they have a *Tharonbijouaagon*, (which others also call *Aibzooockkuatoriaho*) i. e. a *Genius* which they put in the Place of God, but they do not worship or present Offerings to him: they worship and present Offerings to the Devil whom they call *Otskon* or *Airefskuoni*. If they are unsuccessful in War, they catch a Bear, which they cut in Pieces and roast, and that they offer to their *Airefskuoni*, saying the following Words: *Oh! great and mighty Airefskuoni, we know that we have transgressed against thee inasmuch as we have not killed and eaten our Captives;—forgive us this, we promise that we will kill and eat all the Captives we shall hereafter take, as really as we have killed, and now eat this Bear.* Also when the Weather is very hot, and there comes a cooling Breeze, they cry out directly, *Aforonusi, aforonusi Otskon, aworouhfi reinnuba*, that is, *I thank thee, I thank thee, Devil, I thank thee Oomke*. If they are sick, or have a pain or soreness any where in their Limbs, and I ask them what ails them? they say *the Devil sits in their Body or in the sore Place, and bites them there*, and they always ascribe to the Devil the Accidents which befall them: they have otherwise no Religion: when we pray they laugh at us; some of them despise it entirely, and some when we tell them what we do when we pray, stand astonished. When we have a Sermon, sometimes ten or twelve of them, more or less, will attend, each having a long Tobacco Pipe, made by himself, in his Mouth, and will stand a while and look, and afterwards ask me what I was doing and what I wanted, that I stood there alone and made so many Words, and none of the rest might speak? I tell them I admonished

admonished the Christians, that they must not steal, go a-wh—g, get drunk, or commit Murder, and that they too ought not to do these Things, and that I intend after a while to preach to them, and come to them to their Country and Castles (about three Days Journey from hence, further inland) when I am acquainted with their Language: They say I do well in teaching the Christians, but immediately add *Diatennon jawij Affyreoni bagiouisk*, that is, why do so many Christians do these Things. They call us *Affyreoni*, that is, Cloth-Makers, or *Charistooni*, that is, Iron-Workers, because our People first brought Cloth and Iron among them.

They will not come into a House where there is a menstruous Woman, nor eat with her. No Woman must touch their Snares in which they catch Deer, for they say the Deer can smell it.

One Day an old Woman came to our House, and told my People that her Forefathers had told her, that *Tharonbij Jagon*, that is, *God*, once went out walking with his Brother, and a Dispute arose between them, and God killed his Brother: I suppose this Story took its Rise from that of *Cain* and *Abel*. They have an odd Notion of the Creation, for they think that a pregnant Woman fell down from Heaven, and that a Tortoise (which are plenty here, and within Land from two and three to four Feet long, some with two Heads, very mischievous and addicted to biting) took this pregnant Woman on its Back, because every place was covered with Water, and that the Woman sitting upon the Tortoise paddled with her hands in the Water, and raked up the Earth whence it finally happened that the Earth became higher than the Water. They think there are more Worlds than one, and that we came from another World. The *Mohawok* Indians are divided into three Tribes, which are called *Ochkari*, *Anaware*, *Oknabo*, that is, the *Bear*, the *Tortoise* and the *Wolf*: of these the Tortoise is the greatest and principal, and boast that they are the oldest Descendants of the Woman beforementioned; these have made a Fort of Palisades, and call their Castle *Afferue*. Those of the Bear are the next to these, and their Castle is by them called *Banagiro*; the last were taken from them, and their Castle is called *Thenondiogo*. Each of these Tribes carries the Beast after which it is called (as the Arms in its Banner) when it goes to War against its Enemies, and this is done as well for the Terror of its Enemies, as for a Declaration of its own Bravery. Lately one of their Chiefs came to me and presented me with a Beaver, an Otter, and some Cloth he had taken from the French, in Token of Friendship, when he opened his Budget there appeared in it a dried Head of a Bear, with grinning Teeth: I asked him what that meant? he told me he fastened it upon his left Shoulder by the Side of his Head; and that then he was the Devil, cared for nothing, and did not fear any Thing.

The Government among them consists of the oldest, the most sensible, the best-speaking and most warlike Men; these commonly resolve, and the young and warlike

like Men carry into Execution; but if the common People do not approve of the Resolution, it is left entirely to the Judgment of the Mob. The Chiefs are generally the poorest among them, for instead of their receiving from the common People as among Christians, they are obliged to give to them; especially when any one is killed in War, they give great Presents to the next of Kin to the deceased, and if they take any Prisoners they present them to that Family whereof one has been killed, and the Prisoner is adopted by the Family into the Place of the Person who was killed. There is no Punishment here for Murder and other Villainies, but every one is his own Avenger: The Friends of the deceased revenge themselves upon the Murderer until Peace is made by Presents to the next of Kin. But although they are so cruel, and have no Laws or Punishments, yet there are not half so many Villainies or Murders committed amongst them as amongst Christians, so that I sometimes think with astonishment upon the Murders committed in the Netherlands, notwithstanding their severe Laws and heavy Penalties. These Indians, though they live without Laws, or Fear of Punishment, do not kill People, unless they are in a great Passion, or fighting, wherefore we go along with them, or meet them in the Woods, without Fear.

JOHANNES MEGAPOLENSIS.

MASSACHUSETTS *Act against discriminating between the King and Parliament.*

[Massachusetts Records.]

29th of the 3 Month 1644.

WHEREAS the Civil Wars and Dissentions in our native Country through the seditious Words and carriages of many evil affected Persons cause Divisions in many Places of Government in America, some professing themselves for the King and others for the Parliament, not considering that the Parliament themselves profess that they stand for the King and Parliament against the malignant Papists and Delinquents in the Kingdom; It is therefore ordered, that what Person soever, shall by Word Writing or action endeavour to disturb our Peace directly or indirectly by drawing a Party under pretence that he is for the King of England; and such as adjoin with him against the Parliament, shall be accounted as an offender of an high nature against this Common Wealth, and to be proceeded with either capitally or otherwise, according to the Quality and Degree of his Offence; Provided always that this shall not be extended against any Merchant Strangers and Shipmen, that

come

come hither meerly for matter of Trade and Merchandize, albeit they should come from any of those Parts that are in the hands of the King, and such as adhere to them against the Parliament carrying themselves here quietly and free from raising, or nourishing any Faction Mutiny or sedition amongst us as aforesaid.

* *TO the most High and Honorable COURT of PARLIAMENT now Assembled.*

The Humble Petition of William Castell, Parson of Courtenhall in Northampton Shire, for the propagating of the Gospel in America ;

IN all humble manner sheweth unto your approved wisdom, the great and general neglect of this Kingdom, in not propagating the glorious Gospel in America, a main part of the World : Indeed the undertaking of the work is, in the general, acknowledged pious and charitable, but the small prosecution that hath hitherto been made of it, either by us or others, having never yet been undertaken in pity to mens souls, but in hopes to possess the land of those infidels, or of gain by commerce, may well make this and all other Christian Kingdoms confess they have been exceeding remiss, in performing this so religious, so great, so necessary a work.

May it therefore, please your wisdoms to give your petitioner leave to propose briefly, (as the nature of a petition requireth) the more than ordinary piety and charity of the work ; the evident necessity, and benefit of undertaking, together with the easiness of effecting.

A greater expression of piety, your petitioner conceiveth there cannot be, than to make God known where he was never spoken nor thought of, to advance the Scepter of Christ's Kingdom ; and now again to reduce those, who at first were created after the Image of God from the manifest worship of Devils, to acknowledge and adore the blessed Trinity in Unity. To do this, is to be the happy instrument of effecting those often repeated promises of God, in making all nations blessed by the coming of Christ, and by sending his word to all lands ; it is to enlarge greatly the Pale of the Church. And to make those, who were the most detestable Synagogues of Satan, delightful Temples of the Holy Ghost.

It was a high point of piety in the Queen of the South, to come from the utmost
2 parts

* From a Collection of Voyages and Travels, 2 Vols. London 1745.—Vol. 2. Page 772. This Paper has no date, but is supposed to have been written about the year 1644.

parts of the world to hear the wisdom of Solomon: And so it was in Abraham to leave his native country for the better and more free service of his God.

And certainly it will be esteemed no less in those, who (either in their persons or purses) shall religiously endeavour to make millions of those silly seduced Americans, to hear, understand, and practise the mystery of Godliness.

And as is the piety, such is the charity of the work, exceeding great, to no less than the immortal souls of innumerable men, who sit in darkness and in the shadow of death, continually assaulted and devoured by the Dragon, whose greatest delight is to bring others with himself into the same irrecoverable gulph of perdition. What those blind and spiritual distressed Americans are, we were, and so had continued, had not apostolical men afforded greater charity unto us, Divisis orbe Britannis, by long journeying (and not without great hazard of their lives) than as yet hath been shewed by us unto them.

We are not indeed endued with such eminent extraordinary Gifts as were the primitive Christians; but yet if it be duly considered, how fully and how purely God hath imparted his gospel unto this Island; how miraculously he hath lately protected us from Spanish Invasions and popish conspiracies; how at this time, we abound in shipping and all manner of provision for sea; it will be found that we, of all nations, are most for the work, and most engaged to do it in due thankfulness to God.

Nor is the Arm of the Lord shortened, or his wonted bounty so restrained, but that undertaking the Voyage solely for God's Glory, and in compassion to mens souls, we may expect a more than ordinary blessing from him, whose usual custom is to honour those that honour him, and most abundantly even in this life, to recompence such religious undertakings.

The Spaniard boasteth much of what he hath already done in this kind; but their own authors report their unchristian behaviour, especially their monstrous cruelties to be such, as they caused the Infidels to detest the name of Christ. Your wisdoms may judge of the Lion by his Claw. In one of their Islands called Hispaniola, of 2,000,000 of men, as Benzo, in his Italian History, affirmeth, they had not left 150 souls, and Lipsius justly complaineth, that wheresoever they came, they cut down men as they did Corn without any compassion. And as for those that survived they bought their lives at dear rates, for they put them to bear their Carriages from place to place; and if they failed by the way, they either miserably dismembered or killed them outright. They lodged them like brute beasts under the planks of their ships, till their flesh rotted from their backs; and if any failed in the full performance of his daily task, he was sure to be whipped till his body distilled with gore blood, and then poured they in either molten pitch or scalding oil to supple him.

A very strange and unlikely way to work Infidels into the faith, neither yet could they,

they, if they would impart unto others the Gospel in the truth and purity thereof, who have it not themselves but very corruptly accompanied with many idle, absurd, idolatrous inventions of their own, which are but as so many superstructures wickedly oppressing, if not utterly subverting the very foundations of Christianity.

And although some of the reformed Religion, English, Scotch, French and Dutch, have already taken up their habitations in those parts, yet hath their going thither as yet been to small purpose, for converting of those nations, either for that they have placed themselves but in the skirts of America, where there are but few natives, as those of New England, or else for want of able and conscionable ministers, as in Virginia, they themselves are become exceeding rude more likely to turn Heathen, than to turn others to the Christian Faith.

Besides, there is little or no hope our plantations there should be of any long Continuance, since here in England, for some years last past, they have been rather diversely hindered than any ways furthered, how and by whom, your wisdoms either have, or will shortly find out: but this is evident, that the proud superstitious Spaniard (who hateth their Religion, and feareth their neighbourhood) will spare them no longer than to his over-swelling greatness shall seem good: and in the judgment of most judicious travellers that way, they may, if they will, easily enough suppress and destroy all our other plantations, as they did of late that of St. Christopher's when they were no way provoked by us, as they will now pretend they are by a later taking of Trinidado, and the loss of more than 150 of their men there. At least they will be sure to be desperately assailed, as was the Isle of Providence, but the Year last past.

Whence your petitioner offereth unto your honorable Considerations a third argument, drawn from meer necessity, that as you tender the happy proceeding of those, as yet but weakly settled plantations; the liberties, livelihood, and lives of many thousands our dear brethren and countrymen; and which is yet more, the prosperous progress of the gospel, you would be pleased to consult of such an able and speedy supply as may secure them against the now expected cruelty of the Spaniard.

To which needful Supply, the better and sooner to induce your wisdoms, your petitioner desireth your yet a little further patience until he hath shewed some temporal benefits, that are thereby like to accrue unto the Kingdom, together with the easiness of effecting.

When a Kingdom beginneth to be overburthened with a multitude of people (as England and Scotland now do) to have a convenient place where to send forth colonies is no small benefit, and such are the north-east and north-west parts of America, between the degrees of 25 and 45 of the north latitude, which at this time do even offer themselves unto us, to be protected by us, against the known cruelty of the over near approaching Spaniard.

A very large tract of ground containing spacious, healthful, pleasant and fruitful countries, not only apt, but already provided of all things necessary for man's sustentation, corn, grass, and wholesome cattle in good competency : but fish, fowl, fruits and herbs in abundant variety.

If we should look no farther than the south of Virginia, which is our own, we shall find there all manner of provision for life besides merchantable commodities, silk, vines, cotton, tobacco, deer-skins, goat-skins, rich furr, and beavers good store; timber, brass, iron, pitch, tar, rosin and almost all things necessary for shipping, which, if they shall be employed that way, may (with God's blessing) within short time, in due recompence of their setting forth, return this kingdom store of silver and gold, pearls and precious stones; for undoubtedly (if there be not a general mistake in all authors who have written of these places) such treasure is to be had; if not there, yet in places not far remote, where as yet the Spaniard hath nothing to do.

And in case the Spaniard will be troublesome to our plantations, or shall (as it is generally conceived) be found an Enemy to this Kingdom; there is no way more likely to secure England, than by the having a strong navy there; hereby we may come to shure, if not utterly to defeat him of that vast Indian Treasure, wherewith he setteth on fire so great a part of the Christian world, corrupteth many counsellors of State, supporteth the papacy, and generally perplexeth all reformed churches.

Nor need any scrupulous query be made, whether we may not assault an enemy in any place, or not esteem them such as shall assault us in those places, where we have as much to do as they. The Spaniard claimeth indeed an Interest, little less than hereditary in almost all America and the West Indies; but it is by virtue of the pope's grant, which is nothing worth, as was long since determined by queen Elizabeth and her council; so as for the Spaniard to debar us the liberty of our plantations, or freedom of commerce in those spacious countries, were over proudly to take upon him; and for us to permit it, were over much to yield of our own right.

Especially when we may, as now we may, so easily help ourselves: for your petitioner conceiveth there is no great difficulty in the preparation here, or tediousness in the passage thither, or hazard when we come there. The preparation of men and shipping, in respect of the daily happy expected accord between us and the Scots is (upon the matter) already made. And as for money, it is in the power of this honorable house to give sufficient, without any grievance, or dislike of the commonwealth; who (undoubtedly) in the general, will think nothing grievous which shall be concluded by your wisdoms expedient to such a pious and charitable work.

And as for the passage how can it be thought either tedious or dangerous, it being ordinarily but six weeks sail, in a sea much more secure from pirates, and much more free from shipwreck and enemies coast, then our ten or twelve months voyage into

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the East Indies. And as for our good success there we need not fear it. The natives being now every where more than ever, out of an inveterate hatred to the Spaniard ready and glad to entertain us. Our best friends the Netherlanders, being with eight and twenty ships gone before to assist and further us. And which is much more, our going with a general consent in God's cause, for the promoting of the gospel and enlarging of his church, may assure us of a more than ordinary protection and direction. That hitherto we have been less successful in our voyages that way, we may justly impute it to this, that as yet, they have not been undertaken with such a general consent, and with such a full reference to God's glory as was requisite.

And for your petitioner, having delivered his apprehensions herein more briefly than so weighty a matter might well require, he submits all the premises to your more full deliberation and conclusion; which he humbly prayeth, may be with all convenient speed; the only best way under God to make it the better successful.

WILLIAM CASTELL.

We whose names are here under written, having been upon occasion, acquainted with a motion intended to be made by Mr. William Castell, parson of Courtenhall, in the county of Northampton, to the high and honourable Court of Parliament now assembled, concerning the propagation of the glorious gospel of Christ in America. And as we do well approve of the motion; so we do humbly desire his reasons may be duly considered; and so good a work furthered, their wiser judgments may resolve upon, to which we humbly submit the same.

John Moseley, D. D. R. Brownricke, D. D. Thomas Bambrig, D. D. Robert Sanderson, D. D. Richard Alleyne, D. D. Daniel Featly, D. D. Mathius Styles, D. D. Edmond Stanton, D. D. Stephen Denison, D. D. Edward Willmot, D. D. Jonathan Brown, D. D. Jasper Fisher, D. D. Hannibal Potter; D. D. Anthony Clapton, D. D. Thomas Drayton D. D. John Grant, D. D.

Ministers of London.

George Walker, James Palmer, Edward Malbury, Joseph Caryll, Edmond Calamy, Adoniram Byfield, William Price, Richard Maden, James Batty, Matthew Griffith, Ephraim Paget, Robert Pory, William Janeway, Nathaniel Barry.

Ministers of several other Counties.

John White, Dorsetshire. William Ford, John Pyns, Somersetshire. Zachary Caudry, Leicestershire. Henry Painter, Devonshire. Stephen Marshall, Samuel Joyner, Essex. John Ward, Suffolk. Jeremiah Burroughs, Norfolk. John Bawlin-

fon, Derby. Moses Capell, William Rhet, Kent. Francis Charliot, Richard Gifford, Buckinghamshire. William Englesby, Hertford.

Other worthy Ministers of the Diocese of Peterborough, where the Petitioner liveth.

Daniel Caudery, Jeremy Whittaker, John Barry, James Cranford, Samuel Craddock, David Enfine, Edmund Castell, Samuel Mole, Daniel Rogers, Benjamin Tomkins, Richard Cook, Richard Trueman, John Guderick, William Spencer, Edmund James, John Baynard, George Jay, Francis Preſſe, Miles Berket, Francis Atterbury, Jeremy Stephens, John Ward, Peter Fawtraſt, William Malkinſon.

The motion made by Mr. William Caſtell, miniſter of the goſpel, for propagating of the bleſſed evangel of Chriſt our Lord and Saviour, in America; we conceive in the general to be moſt pious, chriſtian and charitable: and therefore worthy to be ſeriously conſidered of all that love the glorious name of Chriſt, and are zealous of the ſalvation of ſouls, which are without Chriſt, and without God in the world, wiſhing the opportunity and fit ſeaſon, the inſtruments and means, and all things neceſſary for the proſecution of ſo pious a work, to be conſidered by the wiſdoms of churches, and civil powers; whom God hath called, and enabled with piety, prudence and policy, for matters of public concernment, and of ſo great Importance; and beſeeching the Lord to bleſs all their conſultations and proceedings for the advancing and eſtabliſhing the kingdom of Jeſus Chriſt.

Alexander Henderſon.

Robert Blare.

R. Bailly.

M. Gallafpic.

N. Smith.

M. Borthrick.

AN ORDINANCE of the LORDS and COMMONS assembled in PARLIAMENT: whereby ROBERT Earl of WARWICK is made Governor in Chief, and Lord High Admiral of all those Islands and Plantations, inhabited, planted, or belonging to any of his Majesty's the King of ENGLAND'S Subjects, within the Bounds, and upon the Coasts of AMERICA.

And a Committee appointed to be assisting unto him, for the better governing, strenghtening and preservation of the said Plantations; but chiefly for the advancement of the true Protestant Religion, and further spreading of the Gospel of Christ, among those that yet remain there, in great and miserable Blindness and Ignorance.

[Collection of Voyages, &c. Vol. II. P. 776.]

WHEREAS many thousands of the natives and good subjects of this kingdom of England, through the oppression of the prelates and other ill-affected ministers, and officers of state; have of late years been enforced to transplant themselves and their families into several Islands, and other remote and desolate parts of the West Indies: and having there through exceeding great labour and industry, (with the blessing of God) obtained for themselves and their families some competent and convenient means of maintenance and subsistence, so that they are now in a reasonable well settled condition, But fearing least the outrageous malice of papists, and other ill affected persons, should reach unto them in their poor and low, (but as yet peaceable condition) and having been informed that there hath been lately procured from his Majesty, several grants under the great Seal, for erecting some new governors and commanders amongst the said planters in their afore-mentioned plantations: whereupon the said planters, adventurers, and owners of land in the said foreign plantations, have preferred their petition unto this present Parliament; that for the better securing of them, and their present estates there obtained, through so much extream labour and difficulty; they might have some such governor and governments, as should be approved of and confirmed by the authority of both houses of Parliament. Which petition of theirs, the lords and commons have taken into consideration; and finding it of great importance, both to the safety and preservation of the aforesaid natives and subjects of this kingdom, as well from all foreign invasions and oppressions, as from their own intestine distractions and disturbances, as also much tending to the honour and advantage of his majesty's dominions, have thought fit, and do hereby constitute and ordain Robert earl of Warwick governor in chief, and lord high admiral of all those Islands, and other plantations, inhabited, planted or belonging to any his majesty's the King of England's subjects; or which hereafter may be inhabited, planted or belonging to them within the bounds, and upon the coasts of America. And for the

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more effectual, speedier, and easier transaction of this so weighty and important a business, which concerns the well being and preservation of so many of the distressed natives of this, and other his majesty's dominions; the lords and commons have thought fit, that Philip earl of Pembroke, Edward earl of Manchester, William viscount Say and Seale Philip Lord Wharton, John Lord Roberts, members of the house of peers; Sir Gilbert Gerard, knight and baronet, Sir Arthur Hazlerig, baronet, Sir Henry Vane, junior, knight, Sir Benjamin Rudyer, knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vassal, John Rolles, and William Spurstow, esquires, members of the house of Commons; shall be commissioners to join in aid and assistance with the said earl of Warwick, chief governor and Admiral of the said plantations: which chief governor, together with the said commissioners, or any four of them, shall hereby have power and authority, to provide for, order and dispose, all things which they shall from time to time find most fit, and advantageous to the well governing, securing, strengthening and preserving of the said plantations; and chiefly to the preservation and advancement of the true protestant religion amongst the said planters, inhabitants; and the further enlargement and spreading of the Gospel of Christ, amongst those that yet remain there in great and miserable blindness and ignorance. And for the better advancement of this so great a work, it is hereby further ordained by the said lords and commons, that the aforesaid governor and commissioners, shall hereby have power and authority, upon all weighty and important occasions, which may concern the good and safety of the aforesaid planters, to call unto their advice and assistance therein, any other of the aforesaid planters, owners of land, or inhabitants of the said islands and plantations, which shall then be within twenty miles of the place where the said Commissioners shall then be; and shall have power and authority to send for, view and make use of all such Records, books and papers, which do, or may concern any of the said plantations. And because the well settling and establishing of such officers and governors, as shall be laborious and faithful in the right governing of all such persons as be resident in or upon the said plantations and due ordering and disposing of all such affairs as concern the safety and welfare of the same, is of very great advantage to the public good of all such remote and new plantations, it is hereby further ordained and decreed, that the said Robert earl of Warwick, governor in chief and admiral of the said plantations, together with the aforesaid commissioners, Philip earl of Pembroke, Edward earl of Manchester, William viscount Say and Seal, Philip lord Wharton, John lord Roberts, Sir Gilbert Gerard, knight and baronet, Sir Arthur Hallerig, baronet, Sir Henry Vane, junior, knight, John Pym, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vassal, John Rolles, and William Spurstow, esquires, or the greater number of them, shall have power and authority from time to time, to nominate,

nate, appoint, and constitute all such subordinate governors, councillors, commanders, officers and agents, as they shall judge to be best affected, and most fit and serviceable for the said islands and plantations: and shall hereby have power and authority, upon the death or other avoidance of the aforefaid chief governor and admiral, or any the other commissioners before named, from time to time, to nominate and appoint such other chief governor and admiral, or commissioners, in the place or room of such as shall so become void. And shall also hereby have power and authority to remove any of the said subordinate governors, councillors, commanders, officers, or agents, which are, or shall be appointed to govern, counsel, or negotiate the public affairs of the said plantations; and in their place and room, to appoint such other officers as they shall judge fit. And it is hereby ordained that no subordinate governors, councillors, commanders, officers, agents, planters or inhabitants whatsoever, that are now resident in, or upon the same islands or plantations, shall admit or receive any other new governors, counsellors, commanders, officers or agents whatsoever, but such as shall be allowed and approved of under the hands and seals of the aforementioned commissioners, or any six of them, or under the hands and seals of such as shall authorize thereunto.

And whereas, for the better government and security of the said plantations and islands, and the owners and inhabitants thereof, there may be just and fit occasion to assign over some part of the power and authority (granted in this ordinance to the chief governor and commissioners aforenamed) unto the said owners, inhabitants, or others; it is hereby ordained, that the said chief governor and commissioners before mentioned, or the greater number of them, shall hereby be authorized to assign, ratify, and confirm so much of their aforementioned authority and power; and in such manner, and to such persons, as they shall judge to be fit, for the better governing and preserving of the said plantations and islands, from open violence, and private disturbance and distractions.

And lastly, that whosoever shall do, execute, or yield obedience to any thing, contained in this ordinance, shall by virtue hereof, be saved harmless and indemnified.

COPY of a Letter from Sir WILLIAM BERKELEY Governor of VIRGINIA,
to the Governor of NEW ENGLAND, about Mr. CHEW's Servants.

[Hutchinson's Original Papers.]

Dearest Sir,

HAVING received intelligence and complaint from Mr. John Chew, merchant, that certaine of his servants being run away about May 1643, and are now resident in your collony of New England, I desire you will please to assist this Gentleman, the bearer, in the regaining of them by all possible means that may be, it being but an accustomed favour reciprocally shown upon all occasions, eyther to other, in which at noe tyme we shall be defective as we expect the like from you; he hath made it appear in court they are his servants; their names are Walter Joy, William Woodhead, and Henry King, alias Eny, soe not doubting of your assistance herein I rest,

Your servant,

WILLIAM BERKELEY.

Virginia 12th June 1644.

CONVENTIO inter JOHANNEM ENDECOTT, *Gubernatorem Massachusets in Nova Anglia, et reliquos Magistratus ibidem, et Dominum Marie, Delegatum Domini Aulnay, Militis, Gubernatoris et Deputatus Serenissimi Regis Galliae in Acadia, Provincia Novae Franciae, facta et firmata apud Boston in Massachusets praedictum, 8. Die Mensis 8. 1644.*

DOMINUS Gubernator et reliqui Magistratus promittunt Domino Marie praedicto, quod illi et omnes Angli infra jurisdictionem Massachusets in Nova Anglia firmam pacem colent et servabunt cum Domino D'Aulnay, Gubernatore, &c. et omnibus Gallis sub potestate ejus in Acadia, &c. Et Dominus Marie promittit pro Domino D'Aulnay, quod ille et homines ejus firmam pacem servabunt, etiam cum Gubernatore et Magistratibus praedictis, et omnibus inhabitantibus in jurisdictione Massachusets praedicto. Et quod bene licebit omnibus hominibus, tam Gallis quam

Anglis, mutua commercia exercere inter se; ita ut, si aliqua occasio offensionis acciderit, neuter eorum attentabit aliquid hostili modo contra alterum, nisi manifestatio et querela de injuria prius facta, ac satisfactione secundum æquitatem non præstita. Proviso semper, quod Dominus Gubernator et Magistratus prædicti non teneantur cohibere mercatores suos commerciâ exercere cum navibus suis cum quibuscunque hominibus, sive Gallis, sive aliis, ubicunque locorum degentibus. Proviso etiam, quod plena ratificatio et conclusio hujus conventionis ad proximum conventum Delegatorum Confederatarum Coloniarum Novæ Angliæ deferatur, pro continuatione vel abrogatione ejusdem, et interim firma et inviolata manebit.

CONVENTIONE et articulis superscriptis a Delegatis Confederatarum Coloniarum Novæ Angliæ prælectis et matura consideratione eorum habitis, cum in animis eorum semper fuerit, ut pax firma et perpetua inter omnes Anglos et propinquos eorum universos instaurata maneret: Ita ut unusquisque communem omnium intentionem incultæ hujus regionis in usum humani generis (qua ratione universa terra a Deo primò Adami filiis donata fuit) subigendæ prosequatur, nec non ut barbaras has gentes, bonis moribus prius instructas, ad veri Dei et Domini nostri Jesu Christi cognitionem (Divino favente Numine) tandem perducamus, æquum et necessarium illis videtur, ut conventio et articuli prædicta (omnibus confederatis Coloniiis prædictis in illis unâ comprehensis) confirmare debeant. Sed cum plurimæ questiones et injuriæ ex utraque parte et alligatæ et objectæ sint, Delegati easdem, opportuno tempore et loco exaudire et secundum justitiæ normam componi, et interea pace a confederatis Novæ Angliæ Coloniiis plene et firmiter, secundum conventionem prædictam, conservari volunt; ea lege, ut Dominus D'Aulnay eandem chirographo suo signatam, confirmare etiam et observare velit. In quorum fidem et testimonium, Delegati prædicti chirographa sua præsentibus apposuerunt.

Datum Boston in Nova Anglia tertio die Septembris, Anno Domini 1645.

JO. WINTHROP, Præses,

Geo. Fenwick,

Herbert Pelham,

Tho. Prince,

Edw. Hopkins,

John Browne,

Theoph. Eaton,

Stephen Goodyear.

MASSACHUSETTS LAW *against the ANABAPTISTS.* 13th
9th Month 1644.

[Massachusetts Records.]

FORASMUCH as Experience hath plentifully and often proved, that since the first arising of the Anabaptists, about 100 years since, they have been the Incendiaries of the Common Wealths and the Infectors of Persons in main matters of Religion and the Troubles of Churches in all Places where they have been, and that they who have held the baptizing of Infants unlawfull have usually held other Errors, or Heresies together therewith, though they have (as other Hereticks use to do) concealed the same till they spied out a fit advantage and opportunity to vent them, by way of Question or Scruple, and whereas divers of this kind have since our coming into New England appeared amongst our Selves, some whereof have (as others before them) denied the Ordinance of Magistracy, and the lawfulness of making Warr, and others the lawfulness of Magistrates, and their Inspection into any breach of the first Table, which opinions if they should be connived at by us are like to be increased amongst us and so must necessarily bring guilt upon us, Infection and Trouble to the Churches and hazard to the whole Commonwealth.

It is ordered and agreed, that if any person or persons within this Jurisdiction shall either openly condemn or oppose the baptizing of infants or go about secretly to seduce others from the approbation or use thereof, or shall purposely depart the Congregation at the Ministration of the Ordinance, or shall deny the Ordinance of Magistracy, or their lawfull Right and Authority to make War, or to punish the outward Breakers of the first Table and shall appear to the Court wilfully and obstinately to continue therein after due Time and Means of Conviction, every such Person or Persons shall be sentenced to banishment.

PATENT *for* PROVIDENCE PLANTATION.

[Hopkins's Hist. of Providence, in the Providence Gazette, No. 121.]

“ **W**HEREAS by an Ordinance of the Lords and Commons, now assembled in Parliament, bearing Date the Second Day of November, Anno Domini 1643, Robert Earl of Warwick, is constituted, and ordained Governor in Chief

Chief, and Lord High Admiral of all those Islands and other Plantations inhabited or planted by, or belonging to any His Majesty the King of England's Subjects, (or which hereafter may be inhabited and planted by, or belonging to them) within the Bounds, and upon the Coasts of America. And whereas the said Lords have thought fit, and thereby ordained, that Philip Earl of Pembroke, Edward Earl of Manchester, William Viscount Say and Seal, Philip Lord Wharton, John Lord Rolle, Members of the House of Peers. Sir Gilbert Gerrard, Baronet, Sir Arthur Haslerig, Baronet, Sir Henry Vane, jun. Knight, Sir Benjamin Rudyard, Knight, John Pim, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vassal, John Rolle, and William Spurflow, Esqrs, Members of the House of Commons, should be Commissioners, to join in Aid and Assistance with the said Earl. And whereas for the better Government and Defence, it is thereby ordained, that the aforesaid Governor and Commissioners, or the greater Number of them, shall have Power, and Authority from Time to Time to nominate, appoint, and constitute all such subordinate Governors, Counsellors, Commanders, Officers, and Agents, as they shall judge to be best affected, and most fit and serviceable for the said Islands and Plantations; and to provide for, order and dispose all Things, which they shall, from Time to Time, find most advantageous for the said Plantations; and for the better Security of the Owners and Inhabitants thereof, to assign, ratify, and confirm, so much of their afore-mentioned Authority and Power, and in such Manner, and to such Persons as they shall judge to be fit for the better governing and preserving of the said Plantations and Islands, from open Violences and private Disturbances and Distractions. And whereas there is a Tract of Land in the Continent of America aforesaid, called by the Name of the Narraganset-Bay; bordering Northward and Northeast on the Patent of the Massachusetts, East and Southeast on Plymouth Patent, South on the Ocean, and on the West and Northwest by the Indians called Nahigganneucks, alias Narragansets; the whole Tract extending about Twenty-five English Miles unto the Pequot River and Country.

“ And whereas divers well affected and industrious English Inhabitants, of the Towns of Providence, Portsmouth, and Newport in the tract aforesaid, have adventured to make a nearer neighbourhood and Society with the great Body of the Narragansets, which may in Time by the blessing of God upon their Endeavours, lay a sure Foundation of Happiness to all America. And have also purchased, and are purchasing of and amongst the said Natives, some other Places, which may be convenient both for Plantations, and also for building of Ships, Supply of Pipe Staves and other Merchandize. And whereas the said English, have represented their Desire to the said Earl, and Commissioners, to have their hopeful Beginnings approved and confirmed, by granting unto them a free Charter of Civil Incorporation and Government; that they may order and govern their Plantation in such a Manner as

to maintain Justice and peace, both among themselves, and towards all Men with whom they shall have to do. In due Consideration of the said Premises, the said Robert Earl of Warwick, Governor in Chief, and Lord High Admiral of the said Plantations, and the greater Number of the said Commissioners, whose Names and Seals are here under-written and subjoined, out of a Desire to encourage the good Beginnings of the said Planters, Do, by the Authority of the aforesaid Ordinance of the Lords and Commons, give, grant, and confirm, to the aforesaid Inhabitants of the Towns of Providence, Portsmouth, and Newport, a free and absolute Charter of Incorporation, to be known by the Name of the Incorporation of Providence Plantations, in the Narraganset-Bay, in New-England.—Together with full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of the said Tract of land, by such a Form of Civil Government, as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition; and, for that End, to make and ordain such Civil Laws and Constitutions, and to inflict such punishments upon Transgressors, and for Execution thereof, so to place, and displace Officers of Justice, as they, or the greatest Part of them, shall by free Consent agree unto. Provided nevertheless, that the said Laws, Constitutions, and Punishments, for the Civil Government of the said Plantations, be conformable to the Laws of England, so far as the Nature and Constitution of the place will admit. And always reserving to the said Earl, and Commissioners, and their Successors, Power and Authority for to dispose the general Government of that, as it stands in Relation to the rest of the Plantations in America as they shall conceive from Time to Time, most conducing to the general Good of the said Plantations, the Honour of his Majesty, and the Service of the State. And the said Earl and Commissioners, do further authorize, that the aforesaid Inhabitants, for the better transacting of their public Affairs to make and use a public Seal as the known Seal of Providence-Plantations, in the Narraganset-Bay, in New-England. In Testimony whereof, the said Robert Earl of Warwick, and Commissioners, have hereunto set their Hands and Seals, the Fourteenth Day of March, in the Nineteenth Year of the Reign of our Sovereign Lord King Charles, and in the Year of our Lord God, 1643.

“ Robert Warwick,	H. Vane,
Philip Pembroke,	Sam. Vassal,
Say and Seal,	John Rolle,
P. Wharton,	Miles Corbet,
Arthur Haslerig,	W. Spurstow.”
Cor. Holland,	

BOND

BOND CHARLES DE LA TOUR to Serjeant Major GIBBONS.

[Suffolk County Records.]

NOVERINT uniuersi per præsentēs me prenobilem Carolum Dominum Delatour tenerj et firmiter obligarj Edvardo Servjenti majori Gibbons Armigero in tribus mille libris bone et legalis monete Anglie solvendis eidem Edvardo Gibbons aut suo certo Attornatis executoribus administratoribus vel assignatis suis ad quam quidem Solutionem bene et fideliter faciendum obligo me hæredes executores et administratores meos firmiter per præsentēs Sigillo meo figillatas datas decimo tertio die May anno Domini millesimo sexcentissimo quadragesimo quinto. viz. 1645.

THE Condition of this obligation is such that if the above bounden Sir Charles Lord of la Tour shall and doe from tyme to tyme and at all tymes hereafter well and truly observe performe fullfill and keepe all and singuler the Couenants graunts artickles and agreements comprized and specified in one paire of Indentures bearing date with these presents and made betweene the said lord of La Tour of the one parte and the above named Serjeant major Gibbons on the other parte which on the part and behalfe of the said lord of La Tour are to be performed and kept that then this present obligation to be voyd and of none effect or els to stand and be in full force effect and virtue.

Scaled and delivered in the
presence of

CHARLES DE LA TOUR and a Seale.

*Thomas Toule, Valentine Hill,
John Jarvis, Charles Dupre,
Alexander Cresbier Demachetco,
Jun. Joshua Scotto.*

MORTGAGE, DE LA TOUR to GIBBONS.

[Records of Suffolk County.]

THIS Indenture made betweene Sir Charles St. Stephens lord of La Tour in Fraunce and Knight Baronet of Scotland of the one part and Serjeant Major Edward Gibbons of Boston in New England Esq. of the other parte witnessestha

that the said mounseir lord of La Tour for and in consideration of the full some of two thousand eighty fower pounds to him the said mounseir in hand paid by the said Serjeant major Gibbons and also for diuers other good causes and considerations him the said mounseir heerevnto especially mooving hath graunted bargained sould enfeoffed and confirmed and by these presents doth graunt bargain sell enfeoffe and confirme vnto him the said Serjeant major Edward Gibbons his heires and assignes all that his fort called fort Latour and plantacon within the northerne part of America wherein the said mounseir together with his family hath of late made his residence, scituate and being at or neere the mouth of a certaine Riuer called by the name of St Johns Riuer together also with all the Ammunition and weapons of warr or instruments of defence and other implements necessities and vtensills there vsed or belonging to the same fort or plantacon as they are contained and specified in an Inventory herevnto annexed And together also with all the Lands and Islands Riuers Lakes Woods and vnderwoods mines and mineralls whatsoeuer and all and singular other the comodities and appurtenances to the same plantacon belonging or in any wise appertayning either by right of discouery or first inhabiting and share graunted vnto him by the grand Company of Cannida Merchants or as the same were heretofore purchased of Sir William Alexander Knight by Sir Claude of St. Stephen Lord of Latoure for and in the name of him the said Sir Charles his heires and assignes by the name of the Countrie of New Scotland formerly called the Countrie of Laccadie as it lyeth along the sea coast eastward as by a deede thereof in the French tounge made bearing date the 30th of April 1630 now fully and at large it doth and may appeare (except and alwaies reserved out of this present graunt bargain and sale vnto the said mounseir De la Toure his heires and assignes so much thereof as adjoineth vnto a certaine Cape in the northerne parts of the premisses called Cape Sables as shall containe in breadth from north to South Seventy two miles and in length from east to west seventy two miles To haue and to hold all that the said fort and plantacon land islands lakes riuers woodes and woodgrounds mines and mineralls and all and singuler other the said bargained premisses with their and euery of their Appurtenances (except before excepted) vnto the said Serjeant major Edward Gibbons his heires and assignes To the only proper vse and behoofe of him the said Serjeant major Gibbons his heires and assignes for euer Provided alwaies and vpon Condition neuerthelesse that if the said mounseir Latoure his heires or assignes shall and doe well and truly satisfie and pay or cause to be paid and satisfied vnto the said Serjeant major Gibbons his heires or assignes the full and entire somme of two thousand eighty fower pounds with the Interest thereof at or before the twentieth day of February which shall be in the yeare of our Lord God one thousand six hundred fifty and two at or in the now dwelling house of the said Serjeant major Gibbons scituate in Boston aforesaid without fraud That then and from thenceforth this present graunt bargain

bargaine and sale shall be vtterly void and of none effect to all intents and purposes this Indenture or any thing contained heerein to the contrarie thereof in any wise notwithstanding: And the said mounseir De la Toure for himselfe and his heires doth couenant promise and graunt to and with the said Serjeant major Edward Gibbons his heires and assignes in manner and forme following, that is to say That it shall and may be lawfull to and for the said Serjeant major Gibbons his heires and assignes quietly and peaceably to have hould occupy possesse and enjoy all and singuler the said fort and plantacon and all and singuler the said bargained premisses with the appurtenances (except before excepted) without the lett trouble interruption or molestation of him the said mounseir De la Toure or of any other person or persons claiming or to claime by from or vnder him or by from or under the aforesaid Company of Cannida marchants or the said Sir William Alexander or any of them And also that he the said mounseir de la Tour at the day of the date of these presents is lawfully seized of the said fort and plantacon and of all and singuler the said lands and bargained premisses with the appurtenances of a good fuer and indefeizable Estate of Inheritance in fee simple to him and his heires without any manner of reservation or limitacon to alter or defeate the saide estate and that the same premisses now are and so for euer hereafter shall continue and be vnto the said Serjeant major Gibbons his heires and assignes freed and discharged of and from all manner of Incumbrances whatsoever from him the said mounseir De la Toure And alsoe that the said mounseir De la Toure and his heires all and singuler the said fort and plantacon and all other the said bargained premisses with the appurtenances (except before excepted) vnto him the said Serjeant major Gibbons his heires and assignes against all manner of person and persons whatsoever shall and will warrant and for euer defend in all the titles and rights of these presents according to the tenor true intent and meaning of this present deede of bargaine and sale And also that he the said Mounseir De la Toure shall and will on or before the first day of October next surrender and yeald vp unto the said Serjeant major Gibbons all that the said fort and plantacon Together with a true Inventory of all such goods and Ammunition as the said mounseir is to leaue there and to have againe Restored vnto him his heires and Assignes in as good Reparation state and condicon as they shall be at the Time of the delivery of them as aforesaid In case the said Somme of two thousand eighty fower pounds with Interest shall be really satisfied and paid according to the true meaning of this present deede of bargaine and sale together also with such necessary chardges and expences as in the meane time shallbe disbursed in the Reparations of the said forte or any of the outhouses belonging to the said fort and plantacon And also that the said Mounseir at the time aforesaid shall make liuery and seizin of the said bargained premisses according to the Ceremony vsed in England in Cases of the like Nature, and thereby putt the said major and his assignes in full

and

and peaceable possession thereof according to the true intent and meaning of these presents and according to the lawes of the Realme of England And lastly that the said Mounseir shall at the time aforesaid make a deede of Sale vnto the said Serjeant major of all such barques boates and vessels of burthen small and great with their Apparrell and furniture as are belonging to the said forte and plantacon (the great frigott Riding in Boston harbor only excepted) And also shall deliver together with the said barques and boates all such trucking stuffe and trading goods as shall be there then found or vnfold to be rated according to the true valew thereof vnto the said Serjeant major to be vsed and enjoyed as his owne proper goods sans account render towards the satisfaccion of the said mounseir's debt as aforesaid In Testimonie whereof the said parties to these present Indentures Interchaingeably have sett their hands and seales Dated the thirteenth Day of May in the yeare of our lord God one thousand fixe hundred forty and fixe.

CHARLES DE SAINT ESTIENNE,
and a Seale.

Sealed and delivered in
the presence of vs

Thomas Fowle,	Valentine Hill,	John Jarvis,
Charles Dupre,	Joshua Scottow,	Henry Sewall, Jun.
Alexander Crestien. Demachteo.		

Memorand: That vpon the day of sale seizin and peaceable possession of the fort and lands within specified was taken had and delivered according to the tennor purport and effect of the deed within specified in the presence of us on the backside.

MASSACHUSETTS ACT *about* ELECTIONS.

[Laws of Massachusetts Edit. 1672, P. 48.]

WHEREAS it is found by experience that there are many who are Inhabitants of this jurisdiction, who are Enemies to all Government, Civil and Ecclesiastical, who will not yield Obedience to Authority, but make it much of their Religion to be in opposition thereto, and refuse to bear Arms under others who notwithstanding combine together in some Towns and make Parties suitable to their designs, in Election of such persons according to their ends ;

It is therefore Ordered by this Court and the Authority thereof, that all persons Quakers or others, which refuse to attend upon the public Worship of God here

Established ; that all such persons whether Freemen or others, acting as aforesaid, shall, and hereby are made incapable of Voting in all Civil Assemblies during their obstinate persisting in such wicked wayes and courses, and until certificate be given of their Reformation.

And it is further Ordered, that all those Fines and Mulcts of any such Delinquents as aforesaid, which are not gathered nor paid to the severall Treasurers of the Counties, as also what Fines shall be laid on them for the future, shall be delivered by the Order of the County-Treasurers respectively to the Select men of the severall Towns whereunto they belong, to be by them improved for the poor of the Town.

MASSACHUSETTS ACT *against Heresy and Error.*

[Laws of Massachusetts, P. 58.]

ALTHOUGH no Humane power be Lord over the Faith and Consciences of men, yet because such as bring in damnable Heresies, tending to the subversion of the Christian Faith, and destruction of the Souls of men, ought duely to be restrained from such notorious impieties;

It is therefore Ordered and Declared by the Court ; That if any Christian within this Jurisdiction shall go about to subvert and destroy the Christian Faith and Religion, by broaching and maintaining any damnable Heresies : As denying the Immortality of the Soul, or resurrection of the Body, or any sin to be repented of in the regenerate, or any evil done by the outward man to be accounted sin, or denying that Christ gave himself a Ransome for our sins, or shall affirm that we are not justified by his death and righteousnes, but by the perfections of our own works, or shall deny the Morality of the Fourth Commandment, or shall openly condemn or oppose the Baptizing of Infants, or shall purposely depart the Congregation at the administration of that Ordinance, or shall deny the Ordinance of Magistracy, or their lawful Authority, to make War, or to punish the outward breaches of the first Table, or shall endeavour to seduce others to any of the Errors or Heresies abovementioned ; every such person continuing obstinate therein, after due means of conviction, shall be sentenced to Banishment. [1646. 44.]

* PASSPORT for SAMUEL GORTON.

[Hubbard's M. S. History.]

By the Governour in Chief, the Lord High Admirall, and Commissioners appointed
by the Parliament for the English Plantations in America.

WHEREAS wee have thought fit to give an order for † S. G. R. H. and I. G. and others late Inhabitants of a Tract of land called Narrhaganset Bay in New England to returne with Freedome to the said Tract of Land, and there to inhabit without interruption. These are therefore to pray and require you, and all other whom this may concerne, to permit and suffer the said S. G. &c. with their Company, goods and necessaries carried with them out of England to land at any Port in New England, where the ship wherein they imbarque themselves shall arrive, and from thence to pass without any of your letts or molestation, through any part of the Country of America within your Jurisdiction, to the said Bay or any part thereof they carrying themselves without offence, and paying according to the Custome of the Country for all things they shall make use of in their way, for Victuals, carriage, and their Accomodation; hereof you may not faile, and this shall be your warrant. Dated at Westminster May 15. 1646.

To the Governor and Assistants
of the English Plantation in the
Massachusetts in New England,
and to all other Governors
and other Inhabitants of New
England and all others whom
this may concerne.

NOTTINGHAM,
FRANCIS Dacre,
COR. HOLLAND,
‡ *cum multis aliis.*

TO

* This cannot be an exact Copy of the Order; the *names* at least must have been written at full Length.

† Samuel Gorton, Randal Holden, and John Green.

‡ I suppose this to be inserted by the Historian to prevent the Trouble of transcribing the rest of the Names.

TO *the Right Honorable ROBERT Earle of WARWICK Governor in Chief, Lord Admirall, and other the Lords and Gentlemen, Commissioners for Forreigne Plantations.*

[Hubbard's MSS. Hift.]

The humble Remonstrance and Petition of the Governor and Company of the Massachusetts, in way of answer to the petition and Declaration of S. Gorton, &c.

WHEREAS by vertue of his Majesties Charter granted to the Patentees in the fourth year of his Highness Reigne, we were incorporated into a body politick, with divers liberties and priviledges extending to that part of New-England where we now inhabit, we do acknowledge (as wee have always done, and as in Duty wee are bound) that although wee are removed out of our native Country, yet we still have dependence upon that state, and owe allegiance and subjection thereunto according to our Charter, and accordingly wee have mourned and rejoiced therewith, and have had friends and Enemies in Common with it, in all the changes which have befallen it: Our Care and endeavour hath been to frame our Government and Administration to the fundamentall Rules thereof, so far as the different condition of this place and people; and the best light we have from the word of God, will allow. And whereas by order from your Honours bearing date May 15th 1646 Wee find that your Honours have still that good Opinion of us, as not to credit what hath been informed against us, before wee be heard, wee render humble thanks to your Honours for the same, yet for as much as our answer to the information of the said Gorton, &c. is expected, and something also required of us, which (in all humble Submission) wee conceive may be prejudiciall to the liberties granted us by the said Charter, &c. and to our well being in these remote parts of the world (under the comfort whereof by the blessing of the Lord, his Majesties favour and the speciall Care and bounty of the High Court of Parliament, wee have lived in peace and prosperity these 17 years) our humble petition in the first place is, that our present and future conformity to your orders and directions, may be accepted with a salvo jure, that when times may be changed (for all things here below are subject unto vanity) and other Princes or Parliaments may arise, the Generations succeeding may not have Cause to lament and say, England sent our fathers forth with happy liberties, which they enjoyed many yeares, notwithstanding all the

enmity and oppositions of the Prelacy and other potent Adversaries, how came wee then to loose them, under the favour and protection of that State, in such a Season, when England itself recovered its own. In freto viximus, in portu morimur. But wee confide in your honours Justice, Wisdome, and Goodness that our posterity shall have cause to rejoyce under the fruit and shelter thereof, as ourselves and many others doe. And therefore wee are bold to represent to your honours our apprehensions, whereupon wee have thus presumed to petition you in this Behalfe. It appears to us by the said Order that wee are conceived 1. to have transgressed our limitts by sending Souldiers, to fetch in Gorton, &c. out of Shaommet in the Narrhaganset Bay. 2 That wee have either exceeded or abused our authority in banishing them out of our Jurisdiction, when they were in our power. For the first wee humbly crave (for our better satisfaction) that your Honours will be pleased to peruse what we have delivered to the care of Mr. Edward Winflow our Agent, or Comissioner, (whom wee have sent on purpose to attend your Honours) concerning our proceedings in that affaire, and the grounds thereof, which are truly and faithfully reported, and the letters of the said Gorton, and his Company, and other letters concerning them faithfully copied out, (not verbatim only but literatim, according to their own bad English) by the Originall's wee have by us, and had sent them but for casualty of the Seas; thereby it will appear what the men are, and how unworthy your favour; Thereby also will appear the wrongs and provocations wee received from them, and our long patience towards them, till they became our professed enemies, wrought us disturbance, and attempted our Ruine; in which Case (as we conceive) our Charter gives us full power to deale with them as enemies by force of armes, they being then in such place, where wee could have no right from them by civil Justice: which the Comissioners for the United Colonies finding, and the necessity of calling them to account, left us the business to doe. For the other particulars in your Honours order, viz. the banishment of Gorton, &c. as we are assured upon good grounds, our sentence upon them was less than their deserving, so (as wee conceive) wee had sufficient authority, by our Charter to inflict the same, having full and absolute Power and Authority to punish, pardon, rule, governe &c granted us therein.

Now by occasion of the said Order, Those of Gorton's Company begin to lift up their heads, and speake their pleasures of us, threatening the poor Indians also, who (to avoyd their Tyranny) had submitted themselves and their lands under our protection and government, and divers other Sachems, following their example, have done the like, and some of them brought (by the labour of one of our ministers, Mr. John Eliot, who hath obtained to preach to them in their own language) to good forwardness in embracing the Gospell of God in Christ Jesus. All which hopeful beginnings are like to be despised if Gorton &c. shall be countenanced, and upheld

upheld against them and us, which also will endanger our peace here at home ; For some among ourselves (men of unquiet Spirits, affecting rule and innovations) have taken boldness to preferre scandalous, and seditious Petitions, for such liberties as neither our Charter, nor Reason or Religion will allow : and being called before us in open Court to give account of their miscarriage therein, they have threatened us with your Honours Authority, and (before they knew we would proceed to any Sentence against them or not) have refused to answer, but appealed to your Honours. The Copie of their Petition, and our Declaration thereupon, our said Comissioner hath ready to present to you, when your leisure shall permit to hear them. Their appeals we have not admitted, being assured they cannot stand with the liberty and power granted us, by our Charter, nor will be allowed by your Honours who well know it would be destructive to all Government both in the Honour and also in the Power of it, if it should be in the power of Delinquents to evade the Sentence of Justice, and force us by appeal to follow them into England, where the Evidences and Circumstances of fact cannot be so clearly held forth, as in their proper place, besides the insupportable Charges we must be at in the prosecution of it.

These Considerations are not new to your Honours and the high Court of Parliament, the Records whereof bear Witness of the wisdom and faithfulness of our Ancestours in the great Council who in those times of darkness when they acknowledged the Supremacy in the Bishop of Rome in all causes Ecclesiasticall, yet would not allow appeals to Rome &c. to remove Causes out of the Courts in England.

Besides (tho' we shall readily admit, that the wisdom and experience of the great Council and of your Honours as a part thereof, are more able to prescribe Rules of Government, and to judge the Causes, than such poor Rusticks, as a Wilderness can breed up yet) considering the vast difference between England, and these parts (which usually abate the vertue of the strongest influences) your Counsels and Judgments could neither be so well grounded, nor so seasonably applied, as might either be so useful to us or so safe for yourselves, in your Discharge in the great Day of Account, for any miscarriages which might befall us, whiles we depended upon your Counsell and helpe, which could not seasonably be administered to us ; whereas if any such should befall us, when wee have the Government in our own hands, the State of England shall not answer for it.

In Consideration of the premises, our humble petition to your Honours (in the next place) is that you would be pleased to continue your favourable aspect upon these poor infant Plantations, that wee may still rejoyce and bless our God under your Shadow, and be there still nourished (*tanquam calore et rore celesti*) and while God ownes us for a people of his, he will owne our poor Prayers for you, and your goodness towards us for our abundant recompence, and this in speciall, if you shall please to pass by any failings you have observed in our course, to confirme our liber-

ties granted to us by Charter, by leaving delinquents to our just proceedings and discountenancing our enemies and disturbers of our peace, or such as molest our people there, upon pretence of injustice. Thus craving Pardon if wee have presumed too farre upon your Honours patience, and expecting a gracious Testimony of your wonted favour by this our Agent, which shall further oblige us and our Posterity, in all humble and faithfull service to the High Court of Parliament; and to your Honours wee continue our earnest prayers for your prosperity for ever.

By order of the Generall Court,

INCREASE NOWELL, Secretary.

MASSACHUSETTS ACT *against* JESUITS.

[Laws of Mass. Bay, Edit. 1672, Fo. 67.]

THIS Court taking into consideration the great Wars, Combustions and Divisions which are this day in *Europe* and that the same are observed to be raised and fomented, chiefly by the secret underminings, and solicitations of those of the Jesuitical Order, Men brought up and Devoted to the Religion and Court of Room, which hath occasioned divers states to expel them their Territories, for prevention whereof among our selves;

It is ordered and Enacted by Authority of this Court, That no Jesuite or Spiritual or Ecclesiastical person (as they are termed) Ordained by the Authority of the Pope or See of Room, shall henceforth at any time repair to or come within this Jurisdiction: And if any person shall give just cause of suspicion, that he is one of such society or order, he shall be brought before some of the magistrates, and if he cannot free himself from such suspicion, he shall be committed to Prison, or bound over to the next Court of Assistants, to be tryed and proceeded with, by Banishment or otherwise as the Court shall see cause.

And if any person so Banished, be taken the second time within this Jurisdiction, upon lawful tryal and conviction, he shall be put to Death. Provided this Law shall not extend to any such Jesuite, Spiritual or Ecclesiastical person, as shall be cast upon our Shores by ship-wreck or other Accident, so as he continue no longer then till he may have opportunity of Passage for his departure; nor to any such as shall come in company with any Messenger hither upon publick occasions, or Merchant, or Master of any Ship belonging to any place, not in enmity with the State of England, or our selves, so as they depart again with the same messenger, Master or Merchant, and behave themselves inoffensively during their abode here. [1647].

The

The PARLIAMENT'S Commissioners Letter to MASSACHUSETTS, about
SAMUEL GORTON, &c.

[Hubbard's M. S. Hist.]

AFTER our hearty Comendations, &c. By our letter of May 15. 1645 wee communicated unto you our reception of a complaint from S. G. R. Holden, &c. touching some proceedings tryed against them by your Government wee also imparted to you our resolutions (grounded upon certain reasons set forth in said letter) for their residing upon Showamet, and the other parts of that tract of land, which is mentioned in a letter of civill incorporation, heretofore granted unto them by us, praying and requiring of you to permit the same accordingly without extending your Jurisdiction to any part thereof, or disquieting them in their Civill peace, or otherwise interrupting them in their possession untill wee should receive your answer to the same in point of Title, and thereupon give further order; wee have since received a petition or remonstrance from you, by your Comissioner Mr. Winslow and though wee have not yet entered into a particular consideration of the matter, yet wee doe in the Generall take notice of your request, as well as the Parliament's Authority, as your owne just Priviledges; and find cause to be farther confirmed in our former Opinion, and knowledge of your prudence, and faithfulness to God and his cause. And perceiving by your petition that some persons do take advantage from our said letters to decline and question your Jurisdiction, and pretend to a general liberty to appeale hither upon their being called in question before you, for matters proper to your Cognizance, wee thought it necessary (for the preventing further Inconveniencies in this kind) hereby to declare that wee intended not thereby to encourage any appeales from your justice, nor restraine the bounds of your Jurisdiction to a narrower compass than is held forth by your letters Patents, but to leave you all that freedome and latitude, that may in any respect be duely claimed by you, knowing that the limiting of you in that kind may be very prejudicial (if not destructive) to the Government, and public peace of the Colonies, for your further satisfaction wherein you may remember that our said resolution tooke rise from an admittance that the Narrhaganset Bay (the thing in question) was wholly without the bounds of your Patent, the examination whereof, will in the next place come before us; In the mean time wee have received advertisement that the place is within the Patent of New Plimouth, and that the grounds of your Proceedings against the Complainants, was a joint Authority from the four Governments of Massachusetts, Plimouth Connecticut and Newhaven, which if it falls in upon Proof will

much alter the state of the question. And whereas our said Direction exhibited not only to yourselves, but also to all the other Governments and Plantations, whom it might concerne, wee declare that wee intended thereby no prejudice to any of their next Neighbours, nor the countenancing of any Practise to violate them, and that we shall be ready for the future to give our encouragement and assistance in all your endeavours for settling your peace and Government and Advancement of the Gospell of Jesus Christ, to whose blessing we comend your Persons and Affaires.

Your loving friends,

From the Committee of
Lords and Comons
May 25th, 1647.

WARWICKE, Gov. and Admirall.
MANCHESTER,
W^M. SAY and SEALE, &c.

*The PARLIAMENT's Commissioners Letter to MASSACHUSETTS, about
SAMUEL GORTON, &c.*

[Hubbard's M. S. History.]

IN our late letter of May 25. wee imparted how farre we had proceeded upon the Petition of S. G. and R. H. &c. we did by our said letter declare our tenderneſs of your juſt priviledges, and of preſerving intire the Authority and Jurisdiction of the ſeveral Governments in New England, whereof wee ſhall ſtill expreſs our continued care: wee have ſince that taken further conſideration of the Petition, and ſpent ſome time in hearing both parties concerning the bounds of thoſe Patents under which your and the other Governments do claime to the end wee might receive Satisfaction, whether Showamet and the reſt of the Tract of Land pretended to by the Petitioners, be actually included within any of your limits, in which point (being matter of fact) wee could not at this diſtance give a reſolution, and therefore leave that matter to be examined and determined upon the place if there ſhall be occaſion; for that the boundaries will be there beſt knowne, and diſtinguiſhed; and if it ſhall appear that the ſaid Tract of Land is within the limits of any of the New England Patents, wee ſhall leave the ſame and the Inhabitants thereof, to the Jurisdiction of that Government under which they fall. Nevertheleſs for that the Petitioners have tranſplanted their Families thither, and there ſettled their reſidences at a great charge, Wee comend it to the Government within whoſe Jurisdiction

tion they shall appear to be as our only desire at present in this matter,) not only not to remove them from their Plantations, but also to encourage them with protection and Assistance in all fitt wayes. Provided that they demean themselves peaceably, and not endanger any of the English Colonies by a prejudiciall correspondency with the Indians or otherwise, wherein if they shall be found faulty, wee leave them to be proceeded against according to Justice. To this purpose wee have also written our letters of this Tenor to the Governors of New Plimouth and Connecticut, hoping that a friendly Compliance will engage those Persons to an inoffensive order, and conformity; and so become an act of greater conquest, honor, and contentment to you all, than the scattering and reducing of them by an hand of power: And so, not doubting of your Concurrence with this Desire, as there shall be occasion, We comend you to the Grace of Christ, resting

Your very affectionate friends

WARWICK, Gov. and Admirall,

MANCHESTER,

* There is no Date to
this Letter in Hubbard.

PEMBROKE,

MONTGOMERY,

GEORGE FENWICKE,

COR. HOLLAND, &c.

MASSACHUSETTS *Act against Trade with VIRGINIA.*

[Massachusetts Records.]

At a General Court holden at Boston 7th. May 1651.

WHEREAS this Court hath taken Notice of an Act of the Parliament of England, bearing Date October the 3d. 1650 prohibiting Trade with Barbadoes, Virginia, Bermudas and Antego. It is therefore ordered by this Court and the Authority thereof that after Publication hereof no Captain, Commander, Master of Ship or other Vessel sailing from any Port or Harbour within this Jurisdiction shall trade with any of the said prohibited Places of Barbadoes, Virginia, Bermudas or Antego on Penalty of Forfeiture of Ship and Goods unto this Com-

mon wealth upon legal Proof and Conviction thereof; This Order to be presently published by Proclamation and posting up in Boston, Charlestown and Salem, and to be in Force untill the Compliance of the aforesaid Places of Barbadoes, Virginia, Bermudas and Antego with the Commonwealth of England, or that this Court take further Order therein.

ORDER of Court (MASSACHUSETTS) *to use the old ENGLISH Colours.*

[Massachusetts Records.]

FORASMUCH as this Court conceives the Old English Colours now used by the Parliament of England to be a necessary Badge of Distinction betwixt the English and other Nations in all Places of the world, till the State of England shall alter the same, which we much desire, we being of the same Nation, have therefore ordered that the Captain of the Castle shall presently advance the aforesaid Colours of England upon the Castle upon all necessary occasions.

PLYMOUTH's *Refusal to assist* NEW HAVEN.

[Plymouth Colony Records.]

June 5th. 1651.

WHEREAS by a Letter from New Haven aide by them was requested and required in settling a plantation at Delaware against such as doe oppose them in that respect, the Court having considered thereof think it not meet to answer their desire in that behalfe, and will have no hand in any such Controversy about the same.

COPY

COPY of a Letter from MR. WILLIAM ARNOLD to the Governor of
MASSACHUSETTS.

[Hutchinson's Original Papers.]

From Pautuxit this firste day of the 7th mo. 1651.

Much honoured,

I THOUGHT it my dutie to give intelligence unto the much honoured Court of that which I understand is now working here in these partes. So that if it be the will of God, an evill may be prevented before it come to too greate a head, viz.

Whereas Mr. Coddington have gotten a charter of Roade Iland and Conimacucke Iland to himselfe, he have thereby broken the force of their charter that went under the name of Providence, because he have gotten away the greater parte of that colonie.

Now these company of the Gortonists that live at Showomut, and that company of Providence are gathering of 200 £. to send Mr. Roger Williams unto the Parlyament to get them a charter of these partes, they of Showomut have given 100 £. already, and there be some men of Providence that have given 10£. and 20£. a man to helpe it forward with speede, they say here is a faire inlett, and I heare they have said, that if the Parlyament doe take displeasure against Massachusett, or the rest of the colonies, as they have done against Barbadas and other places, then this will serve for an inroade to lett in forces to over-rune the whole country.

It is great petie and very unfitt that such a company as these are, they all stand professed enemies against all the united colonies, that they should get a charter for so smale a quantity of land as lyeth in and about Providence, Showomut, Pautuxit and Coicett, all which now Roade Iland is taken out from it, it is but a strape of land lying in betweene the colonies of Massachusits, Plymouth and Conitaquot, by which means, if they should get them a charter, off it there may come some mischief and trouble upon the whole country if their project be not prevented in time, for under the pretence of liberty of conscience about these partes there comes to live all the scume the runne awayes of the country, which in tyme for want of better order may bring a heavy burthen upon the land, &c. This I humbly commend unto the serious consideration of the much honored court, and rest your humble servant to command.

WILLIAM ARNOLD.

They are making haft to fend Mr. Williams away.

We that lieve heere neere them and doe know the place and hear their wordes and doe take notice of their proceeding doe know more and can speake more of what evill may come to the country by their meanes, then the court do yet confider off: We humblie defire God their purpose may be frufterated for the country's peace.

I humblie defire my name may be conceled left they hearing of what I have herein written they will be enraged againft me and fo will revenge themselves upon me.

Some of them of Showmut that cryeth out much againft them which putteth people to death for witches; for fay they there be no other witches upon earth nor devils, but your own pastors and ministers and fuch as they are, &c.

I understand that there liveth a man amongst them that broke prifon either at Conitauquit, or New-Haven, he was apprehended for adultery, the woman I heare was put to death, but the man is kept heere in fafetie in the midft of the united colonies; it is time there were fome better order taken for thefe partes, &c.

I have hired this messenger on purpose. I humblie defire to heare if this letter come fafe to your hands.

INSTRUCTIONS for Captain ROBERT DENIS, Mr. RICHARD BENNET, Mr. Thomas STAGGE, and Captain WILLIAM CLAYBOURNE, appointed Commissioners for the reducing of VIRGINIA, and the Inhabitants thereof, to their due Obedience to the Commonwealth of ENGLAND.

[Thurloe's State Papers, Vol. I. Page 197.]

WHEREAS the Parliament of England, by An Act intituled An Act prohibiting trade with the Barbadoes, Virginia, Bermudas, and Antegoa, hath committed to this Council feveral Powers therein expreffed, for the fettling, reducing, and governing the faid Iflands, printed Copies of which Acts are herewith delivered unto you; in purfuance whereof a Fleet is now fet forth, viftualled, armed, and manned, under the Command and Conduft of Captain Robert Denis, to effeft, by the bleffing of God, the Ends aforefaid; and for the management of that Service you are jointly

jointly nominated and appointed Commissioners, and for your better Directions and proceedings therein you are to follow and pursue these Instructions following :

Such of you as are here, are to repair on board the Ship John, or the Guinea frigot of the States, which of them you shall think fit ; and, wind and weather permitting, to sail to Virginia, as captain Robert Denis shall direct and appoint.

And upon your Arrival at Virginia, you, or any two or more of you (whereof captain Robert Denis to be one) shall use your best endeavours to reduce all the Plantations within the Bay of Chesopiak to their due Obedience to the Parliament of the Commonwealth of England. For which Purpose you, or any two or more of you (whereof Captain Robert Denis to be one) have hereby power to assure Pardon and Indemnity to all the Inhabitants of the said Plantations, that shall submit unto the present Government and authority, as it is established in the Commonwealth ; in which pardons you may make such limitations and**** two or more of you (whereof captain Robert Denis*****

And in case they shall not submit by fair ways and means, you are to use all Arts of hostility, that lie in your power to enforce them ; and if you shall find, that the People so stand out, as that you can by no other ways or means reduce them to their due Obedience, you, or any two or more of you (whereof captain Robert Denis to be one) have power to appoint captains and other officers, and to raise forces within every of the Plantations aforesaid, for the furtherance and good of the Service ; and such persons as shall come unto you, and serve as soldiers, if their masters shall stand in opposition to the present government of this commonwealth, you, or any two or more of you (whereof captain Robert Denis to be one) have hereby Power to discharge and set free from their masters all such persons so serving as soldiers.

You shall cause and see all the severall acts of parliament against kingship and the House of lords to be received and published ; as also the Acts for abolishing the Book of common prayers, and for subscribing the engagement, and all other Acts herewith delivered you.

You or any two or more of you, have full Power to administer an oath to the Inhabitants or planters there, to be true and faithful to the commonwealth of England, as it is now established, without a King or a house of lords.

You, or any two or more of you (whereof captain Robert Denis to be one) have power to give liberty to the inhabitants and planters, who shall have taken the engagement formerly mentioned, to choose such burgeses as they shall think fit, and send to the Place you shall appoint, for the better regulating and governing of affairs there ; provided that nothing be acted contrary to the government of this commonwealth of England and the lawes there established.

Your

You shall cause all writs, warrants, and other process whatsoever to be issued forth as occasion shall require, in the name of the keepers of the liberty of England by authority of the parliament.

In Case of mortality, or absence of captain Robert Denis, you or any two or more of you, have power to put in execution these instructions.

In Case of mortality, or absence of captain Robert Denis, Edmund Curtis, commander of the Guinea frigot, is hereby impowered to act as commissioner with you, or any two or more of you; and he is also in the absence of captain Robert Denis to take the Charge and command of the Fleet, so far as concerns the shipping, according to the power given to captain Robert Denis.

And lastly, as we doubt not but you will use your best diligence and care in carrying on of this affair of consequence, with which you are intrusted, and that by your good endeavours it will have a good issue; so the council will take the same into consideration, that respect may be had of your Pains and travel therein, and of a recompence agreeable to your service, when the same shall be compleated, and work, upon which you are employed, shall be finished.

Signed in the name and by order of the council of

State appointed by authority of Parliament.

JO BRADSHAWE, President.

Whitehall 26th September 1651.

REPEAL of MASSACHUSETTS *Act against Trade with VIRGINIA, &c.*

[Massachusetts Records.]

14th. October 1651.

WHEREAS by order of this Court bearing Date the two and twentieth Day of the third Month 1651 all Trade with Barbadoes, Antego, Bermudas and Virginia is prohibited and thereby all Masters of Ships or smaller Vessells are commanded to forbear the transporting of any Goods or Merchandize to the aforesaid Places as being in Rebellion against the Commonwealth of England upon the Penalty of Forfeiture of Ship and Goods, since which Time having Intelligence that the Fleet under the Command of Sir George Aisue is set forth by the Parliament for the reducing the said Island of Barbadoes and may probably by God's Blessing

Blessing have effected the same, and this Court having received a Petition from diverse Merchants, and Mariners for Liberty to sail forth of these Parts to the said prohibited Places or some of them giving in Caution not to land any Goods in or trade with any the said places except they be reduced to the Obedience of the Commonwealth of England; Wherefore it is ordered by this Court and the Authority thereof that the Governor or any two Magistrates shall have Power to grant Liberty to such as have or may desire to sail forth hence to any of the aforesaid Places taking sufficient Caution by Bond of one or two thousand Pounds Sterling more or less according to the Burthen of the Ship, or value of the Cargo they shall set forth withal.

PROVINCE of MAINE's *Petition to the Council of State in*
ENGLAND.

[Records of Province of Maine.]

TO the Right Honourable the Counsell of State appointed by Parliament The humble Remonstrance and Petition of the General Court, assembled in and for the Province of Mayne in New England 5 December 1651. Whereas the Parliament have declared by an Act of the 3d of October 1650 That the Islands and other Places in America where any English are planted are and ought to be subject to and dependent upon England, and hath ever since the Planting thereof been and ought to be subject to such Laws Orders and Regulations as are and shall be made by the Parliament of England and for as much as we take our selves to be members of that grand Body, thinking it our greatest Honour and Safety so to be; freely and willingly subjecting our selves unto the present Government as it is now established without a King or House of Lords, and therefore we beg the Benefit of the Common safety and Protection of our Nation, and humbly crave Leave to present unto your Honours our Remonstrance and Petition as followeth—

Humbly sheweth that whereas divers of the Inhabitants of this Province by Virtue of sundry Patents and otherwise have this Twenty Years engaged our Lives Estates and Industry here and regulated under the Power and Commission of Sir Ferdinando Gorges who had these Parts assigned him for a Province now he being dead and his Son by his great Losse here sustained hath taken no order for our Regement and the most of the Commissioners dead and departed the Province we were forced and necessitated to joine our selves together by way of Combination to govern and rule according to the Laws of England. Our humble Request unto your Honours therefore is to confirm our said Power and Authority for our better Regement

ment by Power from your selves that you would be pleased to declare us Members of the Comon Wealth of England and that we and our Posterities may enjoy our Immunities and Priviledges as freeborn Englishmen together with the Continuation of such other Rights as we enjoy as Planters as also equal share of your Favours bestowed on the Colonies in these Parts.

Per me Ed: Godfrey Gov. in Behalf of the General Court.

ARTICLES *agreed on and concluded at JAMES Cittie in VIRGINIA for the surrendering and settling of that plantation under the obedience and government of the common wealth of ENGLAND by the Commissioners of the Council of state by authoritie of the parliamt. of England and by the Grand assembly of the Governour, Council and Burgessees of that countrey.*

[Jefferson's Notes on the State of Virginia.]

FIRST it is agreed and consted that the plantation of Virginia, and all the inhabitants thereof shall be and remaine in due obedience and subjection to the Common wealth of England, according to the lawes there established, and that this submission and subscription be acknowledged a voluntary act not forced nor constrained by a conquest upon the countrey, and that they shall have and enjoy such freedoms and priviledges as belong to the free borne people of England, and that the former government by the Comissions and instructions be void and null.

2ly, Secondly that the Grand assembly as formerly shall convene and tranfact the affairs of Virginia wherein nothing is to be acted or done contrarie to the government of the Common wealth of England and the lawes there established.

3ly, That there shall be a full and totall remission and indempnitie of all acts, words, or writeings done or spoken against the parliament of England in relation to the same.

4ly, That Virginia shall have and enjoy the antient bounds and Lymitts granted by the charters of the former kings, and that we shall seek a new charter from the parliament to that purpose against any that have intrencht upon the rights thereof.

5ly, That all the patents of land granted under the collony seale by any of the precedent governours shall be and remaine in their full force and strength.

6ly, That the priviledge of having fiftie acres of land for every person transported in that collonie shall continue as formerly granted.

7ly, That

7ly, That the people of Virginia have free trade as the people of England do enjoy to all places and with all nations according to the lawes of that common wealth, and that Virginia shall enjoy all priviledges equall with any English plantations in America.

8ly, That Virginia shall be free from all taxes, customs and impositions whatsoever, and none to be imposed on them without consent of the Grand assembly, And soe that neither fortres nor castles bee erected or garrisons maintained without their consent.

9ly, That noe charge shall be required from this country in respect of this present fleet.

10ly, That for the future settlement of the countrey in their obedience, the Engagement shall be rendered to all the Inhabitants according to act of parliament made to that purpose, that all persons who shall refuse to subscribe the said engagement, shall have a yeare's time if they please to remove themselves and their estates out of Virginia, and in the mean time during the yeare to have equall justice as formerly.

11ly, That the use of the booke of common prayer shall be permitted for one yeare ensuing with reference to the consent of the major part of the parishes, provided that those things which relate to kingship or that government be not used publicquely, and the continuance of ministers in their places, they not misdemeaning themselves, and the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand during this ensuing yeare.

12ly, That no man's cattell shall be questioned as the companies unless such as have been entrusted with them or have disposed of them without order.

13ly, That all ammunition, powder and armes, other than for private use, shall be delivered up, securitie being given to make satisfaction for it.

14ly, That all goods allready brought hither by the Dutch or others which are now on shore shall be free from surprizall.

15ly, That the quittrents granted unto us by the late kinge for seven yeares bee confirmed.

16ly, That the commissioners for the parliament subscribing these articles engage themselves and the honour of the parliament for the full performance thereof: and that the present governour and the council and the burgesses do likewise subscribe and engage the whole collony on their parts.

RICH. BENNETT. _____Seale.

Wm. CLAIBORNE. _____Seale.

EDMUND CURTIS. _____Seale.

These articles were signed and sealed by the Commissioners of the Council of state for the Commonwealth of England the twelveth day of March 1651.

ARTICLES *for the Surrendering of VIRGINIA to the Subjection of the
Parliament of the Commonwealth of ENGLAND agreed upon by the ho-
nourable the Commissioners for the Parliament and the honorable the Go-
vernor and Council of State.*

[From a MSS. Copy.]

FIRST, that neither Governor nor Council shall be obliged to take any oath nor engagements to the Commonwealth of England for one whole year and that neither Governor nor Council be censured for praying for or speaking well of the king for one whole year in their private houses and neighborly conferences.

2dly That there be one sent home at the present Governor's choice to give an account to his Majesty of the surrender of this Country, this present Governor bearing his charges, that is, Sir William Berkely.

3dly That the present Governor (that is Sir William Berkely) and the Council shall have leave to sell and dispose of their estates and transport themselves whither they please.

4ly That the Governor and Council though they take not the engagements one whole year shall yet have equal free justice in all the courts of Virginia until the expiration of one whole year.

5ly That all the Governor and Council's lands and houses and whatsoever belongs to them be particularly secured and provided for in these articles.

6ly That all debts due to the Governor by act of assembly and all debts due to officers made by the assembly be perfectly made good to them and that the Governor be paid out of the goods remaining in the Country of the Dutch ship that went away clear for Holland without paying his customs.

7ly That the Governor may have free leave to hire a ship in England or Holland to carry away the Governor's goods and the Council's, and what he or they have to transport for Holland or England without any let in any of the states ports or any molestation by any of the said ships at sea or in their rivers or elsewhere or by any of the ships in the Common wealth of England whatsoever.

8ly That the Captain of the fort be allowed satisfaction for the building of his house in the Fort island.

9ly That all persons that are now in this Colony of what quality or condition soever that hath served the king here or in England shall be free from all dangers punishments

nishments or mulcts whatsoever here or elsewhere and this article as all other articles to be in as clear terms as the learned in the law of arms can express.

10ly That the same instant the Commissions are resigned an act of oblivion and indemnity be issued out under the hands and seals of the Commissioners for the parliament and that no persons in any court of justice in Virginia do question for their opinions in any court determined by them.

11ly That the Governor and Council shall have their passes to go any way from hence in any ship in any time within a year and in case they go for London or other place in England that they or any one of them shall be free from any trouble or hinderance of arrest or such like in England that they may follow their occasions for the space of six months after their arrival.

These articles were sealed sworn unto by us the Commissioners for the parliament of the Commonwealth of England 12th March 1651.

AN ACT *of indemnitie made att the surrender of the country.*

[Jefferson's Notes on the State of Virginia.]

WHEREAS by authoritie of the parliament of England wee the commissioners appointed by the council of state authorized thereto having brought a fleet and force before James cittie in Virginia to reduce that collonie under the obedience of the commonwealth of England, and findeing force raised by the governor and countrey to make opposition against the said fleet whereby assured danger appearing of the ruine and destruction of the plantation for prevention whereof the Burgeesses of all the severall plantations being called to advise and assist therein, upon long and serious debate, and in sad contemplation of the great miseries and certaine destruction which were soe neerely hovering over the whole countrey : Wee the said Comissioners have thought fitt and condescended and granted to signe and confirme under our hands, seales, and by our oath, Articles bearinge date with these presents, and do further declare that by the autorite of the parliament and commonwealth of England derived unto us theire comissioners, that according to the articles in generall wee have granted an act of indemnitie and oblivion to all the inhabitants of this coloney from all words, actions, or writings that have been spoken acted or writt against the parliament or commonwealth of England or any other person from the beginning of the world to this daye. And this wee have done that all the inhabitants of the collonie may live quietly and securely under the commonwealth

of England. And wee do promise that the parliament and commonwealth of England shall confirme and make good all those transactions of ours. Wittness our hands and seales this 12th of March 1651. Richard Bennet—Seale. W^m. Claiborne.—Seale. Edm. Curtis—Seale.

ORDER of MASSACHUSETTS *General Court about their North Line.*

[Massachusetts Records.]

At a General Court held at Boston 26. May 1652.

CONCERNING the North Line of this Jurisdiction It was this Day * voted upon perusal of our Charter, That the Extent of the Line is to be from the Northernmost part of the River Merrimack and three Miles more north where it is to be found be it a hundred miles more or less from the Sea, and thence upon a straight Line East and West to each Sea.

COPY of a Letter sent by EDWARD RAWSON Secretary from the Court of the MASSACHUSETTS in Answer to a Letter sent by EDWARD GODFREY Governor of the Province of MAYNE touching the MASSACHUSETTS Claime to the said Province.

[Province of Mayne Records.]

To the worshipful his much respected Friend Edward Godfrey Esqr at Acomenticus thes^e Present.

S I R,

OUR General Court having by One Richard Leader received a Letter dated the last of May 1652 signed by yourself in the Name of the Province of Mayne and therein intimating your ill Resentment of our Laying Claim and Title to the said Province

Province of Mayne without Leave from the Proprietors or from those to whom it belongs which you say this Court intends to effect by their Patent or Line or Consent or all of them &c. In answer whereunto with what else is in your Letter expressed I am required by our General Court to returne you this Answer That whereas you are pleased to write that in April 14th of his Majesty's Reign both our Patents and divers others were then questioned at the Councill Table and Quere made of the Validity of any Patent but this of the Massachusetts, and that many of our Inhabitants and some of our Agents then stood mutt but yourself answered the Objections in Clearinge the Ship stayed as other Things that concerned the Good of this Country: We answer First that our Patent only was then questioned and sued by a Quo Warranto and sent for Yet it hath pleased God so to order in his good Providence towards us that it proceeded not to Judgment but the Patent doth still stand firm according to the First Grant under the Great Seale And since the most honorable Comon Wealth of England hath owned us our Patent and Iurisdiction Whereas the grand Patent of Plymouth as we are informed is called in, by a Quo Warranto in the Chief Court in Westminster, and then all other Patents from and under them must needs fall, though Subduing of Lands Legal Possessions are ever to be allowed and confirmed, and if our Agents and as you writ some of our Inhabitants stood mute we believe they thought it their Wisdom so to do; knowing that the then Counsell had not Legal Power to proceed against the Patent and therefore they needed not to speake in it: but whereas your self was pleased to answer Objections, we cannot but thankfully acknowledge your Kindness towards us: And whereas you writt that in our Answer the 6th. September Dittò we were then well satisfied to hold our owne: we say, we are so still, as appears by what hereafter followeth is expressed. For whereas you seem to set out the Limits of our Patent 3 Miles Northeast of Merrimacke or Mounnacke River at the Side which then was knowne, and the River is of another Denomination upwards: In answer whereunto we say that if you had well perused the Words of our Patent, and the true sense of them, we believe you would change your Mind: and that no Line is intended to be stretched by us, beyond the true Intent of the Patent granted to us, neither is it in our Thoughts to bereave you of any of your just Rights Immunities or Priviledges which you say you have so dearly bought: Furthermore, whereas you say if you were under our Jurisdiction, it hath been but little Charity that we should take so little Care of your Regement or Religion, and therefore we must excuse you if you be the more wary to preserve your Rights &c. Our answer is that It was some Yeares after we came hither, before we knew the Extent of our Line the Date or Validity of other Patents contained therein or bordering thereupon as now we do and therefore were slow to do any Thing that might occasion any Clashing therein till all Doubts in that Respect were removed, as you cannot but observe
in

in our Proceedings with those of Pischataqua, so in Regard of your selves, though we have been long satisfied, by those whom we employed to run our Northerly Line, that the Place were you inhabit did fall within our Jurisdiction: Yet for as much as the People sat down and governed by Virtue of a Patent and kept good Correspondency with us and the People there so far as we know being well contented with the Government there established, for these and some other Reasons we contented our Selves, with a less formall Challenge of our Right and Prosecution of the same yet were we not wanting to assert our Right, as Occasion was given. But understanding of late, that you had resisted the Patent which is now submitted to us in Point of Jurisdiction, and incroached further upon our Limits; and that a considerable Part of the People there are desirous to come under our Government, we judge it hy Time now fully to claim our Right; and accordingly to take Order for the Government of the Inhabitants there. And therefore Sir I am required to signify unto you that our Court doth hereby challenge claim and demand our just Right with you, and over you respecting Jurisdiction, over your Persons, and Lands not appropriated to any under the Colour of pretended Right, by Patent or Combination hitherto you have exercised; assuring you and every Inhabitant with you that every Person amongst you shall equally share in all acts of Favour and Justice which by Virtue of Government any of ours do enjoy or may expect: Nor shall any Person (We hope) have any just Cause to complain but if still notwithstanding what hath been and is clearly demonstrated you shall not hearken to us nor comply in Submitting to us: Our Court doth hereby protest against any further of your Acts or Proceedings by Virtue of any pretended Patent, or Combination whatsoever; And tho' we are fully and clearly satisfied that the Extent of our Line runs so far from the Northerly Part of Merremack alias Monnomacke River as takes in not the Land only which you claim or pretend Jurisdiction over, but much further; yet for your Satisfaction if you desire it we shall be willing that our Line shall again be stretched from 3 miles Northward to the Northernmost Branch of Merremacke River, by a straight Line from the East to the West Sea; according to the words of our Patent: and this to be done by able Artists who shall upon Oath make a true Return thereof; and so you may be put out of Doubt of the Right of our Claim and Interest: And therefore we have for the present sent our trusty and welbeloved Friends Capt. Will. Hawthorne Capt John Leverett and Mr. Hen: Bartholomew to impart our Minds to you: and to receive your Answer or otherwise fully to make such Accord with you, as may advance God's Glory, promote the Peace of us and your selves which is equally aimed at by, Sir

Your Loving Friends

EDWARD RAWSON, Secry.

By Order of the General Court.

PROVINCE

A COPY of an Answer to the foregoing Letter of Mr. RAWSONS, by ED:
GODFREY Governour for and in Behalfe of the PROVINCE of MAYNE.

[Province of Maine Records.]

S I R,

I RECEIVED a Letter bearing Date 12: D. m. 4: 52: signed by yourself wherein we perceive you are owned by the State of England: under the Covert of whose Wings our Safety chiefly depends. For your Information of the Grand Patent of Plymouth sued to Quo Warranto it no way toucheth us: The fall of other Patents thereby is but onely your conjecture, seeing that an act of Parliament November 28. 48 doth seem to evince the contrary: For our Perusal of your Patent and your Line; we apprehend the Bounds thereof were set more than Twenty years last past, at the Sea Side and so up into the Country from the Sea 3 Miles on this Side Merrimacke as all other Patents were which are no less than Tenn in number, that we perceive by the Extension of your unknown Line you now willingly labour to engraspe: For Subduing and Clearing Land a Possession is good (true) But what Tract Immunities and Priviledges we have is doubtful if we part with them we may be shortened of; as well as so many years past you did not procure any for settling or procuring Patents; For our Limiting either a Trespass upon you, our unadvisedly to gather a cracked Title to your Improvements and Possessions, I hope must be as in your Letter long since you counselled us left to those whom it concernes to determine:

If this 21 years you have been contented we should govern by Virtue of a Patent with distinct acknowledgment of your lawful authority and have kept good correspondency with us We much marvell, how you now should be discontented, of which we neither have nor (we hope) shall give you any just occasion for Resisting any Patent or encroaching upon your Jurisdiction, we utterly disowne: For submitting any Patent to you if you have Right thereto it needed not: For a considerable Party of the People we know of none (Two Persons only excepted) whose ill Deportments have been such as the hand of Justice hath borne Witnes against as well among yourselves, as us; and were the number of such Persons more considerable, it were little Honour for you to proceed upon such an account: For your pretended Jurisdiction over our Persons and Lands not appropriated as you say: they are appropriated to us and must not so easily be parted with: For Sharing your Favours to us: By your Favours, Gentlemen we are loath to part with our preti-

ous Liberties for unknown and uncertain Favours. For Harkening to submit to you and your Protest against us, for any further proceedings either by Parent or Combination. We resolve to exercise our just Jurisdiction till it shall please the Parliament, the Common Weale of England, otherwise to Order under whose Power and Protection we are. For your streight Line from the East Sea to the West Sea, I marvell you go from your Bounds to the In Land. For Artists to measure your Extent, in occasion if necessity require we shall understand a little Geogrify and Gofmogrify. For Peace and Equity we have ever aimed at and still continued and will to the utmost of our Power endeavour the Glory of God, the Peace and Good of the Country in General remaining.

Your Lo Friend.

EDW. GODFREY Governour.

Province of Mayne Pisca: River
Mouth July 9, 52.

MASSACHUSETTS *Commissioners Protest.*

[Massachusetts Records.]

In the Township of Kittery in the Province of Mayne over against the Great Harbour.

WHEREAS We William Hawthorne, John Leverett and Henry Bartholomew appointed Commissioners as may appear by Order from the General Court of the Massachusetts bearing Date 11 June 1652 to repair and to treat with the Gentlemen of the Eastward in the Province of Mayne: According to which Order and Comission we the abovenamed have repaired to and had some Conference with Mr. Edward Godfrey Richard Leader, Nicho. Shapleigh Thomas Withers and Edward Rishworth who declare themselves to be Persons in present Power, for the Ordering and Managing of whatsoever might be of Concernment to the People of the said Province tho' the said Persons produced no Comission thereunto either one or other: We therefore the abovenamed William Hawthorne John Leverett and Hen: Bartholomew, do hereby declare unto the Inhabitants of the Province of Mayne and to all People whome these may concerne, that there doth not appear to us any Power or Right of Power that the said Edward Godfrey Richard Leader Nic. Shapleigh Tho. Withers and Ed. Rishworth hath of Regiment in the said Province; but that the said Provice of Mayne and all the Tract of Land within the

same

same doth lye within the Limits of the Patent of the Massachusetts: and so by Grant and Charter under the Great Seale of England to be under the Iurisdiction thereof. Further we do declare in the Name and on the Behalf of the Iurisdiction of the Massachusetts, that all the Inhabitants within the said Province that shall submit thereunto shall freely and quietly possess and enjoy all the Lands Goods and Chattells appertaining to and possessed by any or every of them and that the said Inhabitants and every of them have Right) and shall æqually share in all Acts of Favour and Justice which by Virtue of Government any One the Inhabitants within the said Iurisdiction do or may expect to enjoy.

Upon the Premises recited, We the said Comissioners of the General Court of the Massachusetts do declare and and protest against any Person or Persons within the said Province his or their exercise of Iurisdiction over the Inhabitants within the same, or any Part thereof after the 10th Day of October 1652) next ensuing the Date hereof without Order from the General Court, or Counsell of the Massachusetts. In witness whereof we have hereunto put our Hands this 9. D. July 1652.

WILL. HAWTHORNE,
JOHN LEVERETT,
HEN: BARTHOLOMEW.

PROVINCE of MAINE's *Answer to MASSACHUSETTS Protest.*

[Province of Maine Records.]

A Copy of the Answer and Return of this Paper or protest 9 July 52.

WHEREAS we Ed. Godfrey Governour Mr. Richard Leader, Mr. Shapleigh, Thomas Withers and Ed. Rishworth Recorder sworne Magistrates for this Province of Mayne, have received a Paper in the nature of a Protest from Capt. William Hawthorne, Capt. John Leverett and Mr. Hen. Bartholomew, intimating to us not to produce a Comission one or other, To which we answer, that if either they or their Principals did or had shewed us any Comission or Power of Comand from the Parliament of England or Counsell of State, we would readily have given them an account; And for their Words of Declaration to the Inhabitants of the Province in General, and all People; That our Power appears not and that we have noe Power of Regiment and that the Tract of Land and all this Province

vince of Mayne is within the Lymits of the Massachusets; yet the Truth doth and shall appear, that where their Bounds were set up more then 20 years passed, and both before and since many Patents granted for the Peopulating and propagating of the Land; 35000 hath been spent a lawful Jurisdiction hath been exercised in this Place by some of us acknowledged and owned by you of the Massachusets, approved and justified in England; and now for these Gentlemen to come with a Declaration minatory in the name only and Behalfe of the jurisdiction of the Massachusets, that the Inhabitants that shall submit unto them shall freely and quietly possess and enjoy all the Lands, Goods, Chattalls, and that we shall enjoy equal Favours in Acts of Government: These Proposals are not in our judgments meet, the Time Places and Persons considered we patiently bear them and submit to be judged by those whom we acknowledge to be our supream Judges; against Exercise of Jurisdiction: We resolve and intend to go on, till lawful Power comand us the Contrary; as subordinate and depending upon the Comon Wealth of England given this 9 July 52. Ed. Godfrey Governor Rich. Leader, Nico. Shapleigh, Tho. Withers, Ed. Rishworth Recorder.

EDWARD RIGBY's *Letter to the Inhabitants of* LACONIA

[Province of Maine Records.]

To Mr. Henry Joleing, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thomas Williams, as also To Robert Booth Morgan Howel John Wadleigh Jonas Balley Thomas Morris Hugh Moseer and to all others whom these may concern these present in Legonia.

Gentlemen,

IT having pleased the great dispofer of all Things to call out of this troublesome World my dear Father and by that means to entitle me to the Presidentship of the Province of Lygonia and being made acquainted by my Fathers late Deputy President of several miscarriages and illegal Proceedings which have been acted and done within my Province by your Infigrations and Advice I have thought necessary at this Time to acquaint you that I disrelish your actions, and shall not sit down with the Wrongs and Abuses offered to our Authority without a particular and real Submission and to that End I do require and comand both your selves and the rest that were by comission from my Father, the publick Officers of the
Province

Province to desist acting any Thing Virtute officii (yours and your Commissioners being determined by my Fathers Death) until you hear further from me which I assure you shall be with all possible Speed, Truly Gentlemen I am sorry to hear notwithstanding my Fathers Indulgence towards most of your selves in Particular, you should still act so directly against him and his Interest as you do But I once again assure you, if upon the Receipt of this you do not desist from your private and secret Combinations and practices and join unanimously with me, my Deputy and other Officers, for the Peace and Quiet of the Province I shall take such Course as shall not only force a submission but also a Reparation for all your misdeeds. I shall not at present numerate or particular your misdeeds and illegal Proceedings, nor dispute with you about them only observe this to you that I conceive all acts done either by the Deputy President the 6 Assistants the Judges or any other Officers whatsoever which had Comission from my Father, since my Fathers Death (which was in August 1650 are void by Reason their Comission ended with his Death. I am not ignorant of some complaints formerly made to my Father by some of your selves and others and I desire that you will be confident, that I shall strive to do æqual Justice in all Things according to my Office and Duty and to the End that æqual Justice may be done to all men I shall with all convenient Speed not only send back Mr. Cleeve but a near Kinsman of my owne with Instructions and Comissions to such as I shall conceive fitting, not doubting but that upon the Receipt hereof you will desist from your former illegal Proceedings, and joyn with such as I shall commissionate. The Rest is the Respects of him that is your real Friend if your selves be not your owne Enemy

EDWARD RIGBY.

London 19 July 1652.

RETURN of Survey of MASSACHUSETTS North Line.

[Massachusetts Records.]

CAPTAIN Simon Willard and Captain Edward Johnson, a Committee appointed by the last General Court to procure Artifts to joyn with them to find out the most northerly Part of Merrimack River respecting the Line of our Patent: Having procured Serjeant John Shearman of Watertown and Jonathan Ince Student of Harvard College as Artifts to go along with them made their Return of what they had done, and found vizt. John Shearman and Jonathan Ince on their Oaths say that at Aquadahtan the Name of the Head of Merrimack where it issues

out of the Lake called Winnepuscaikit upon the first Day of August one thousand six hundred fifty two we observed, and by Observation found that the Latitude of the Place was forty three Degrees forty Minutes and twelve Seconds, besides those Minutes which are to be allowed for the three Miles more north which runs into the Lake. In Witness whereof they have subscribed their Names this nineteenth of October one thousand six hundred fifty and two.

Jur. Cor. me John Endecott Gubern.

JOHN SHEARMAN,

JONATHAN INCE.

MASSACHUSETTS *Approbation of their Commissioners Conduct.*

[Massachusetts Records.]

October 19. 1652.

OUR Commissioners presenting what was done at Plimouth at the meeting of the Commissioners for the united Colonies; The Court doth hereby declare their Approbation and Justification of their Commissioners in judging their last meeting at Plymouth to be frustrate, and do expect Satisfaction from the Jurisdiction of Plymouth and Newhaven, and for the time to come cannot consent that the ordinary meeting should hold and the acts of the Commissioners be valid, except two Commissioners from each Colony, authorised as in the 6th Article do meet upon the Day appointed.

The Court ordered a Letter to be writ to the Governour of Plymouth requiring Satisfaction for an Affront put by one of their Commissioners on one of ours.

PRIVILEGES

PRIVILEGES of the Town of KITTERY.

[Province of Maine Records.]

November 20. 1652.

WHEREAS the Town of Kittery hath acknowledged themselves Subject to Government of the Massachusetts in New England as by the Subscription under their Hands doth appear: We the Commissioners of the General Court of the Massachusetts, for the Settling of Government amongst them and the rest within the Bounds of their Charter Northerly to the full and just Extent of our Line, have thought meet and actually do grant as followeth, viz.

1. That the whole Tract of Land beyond the River Pischataqua Northwardly together with the Yle or Yles of Sholes within our said Bounds is and shall be henceforth a County or Shire, called by the name of York Shire

2. That the People inhabiting there shall enjoy protection æqual Acts of Favour and Justice with the rest of the People inhabiting on the South Side of the River of Pischata: and within the Liberties of our whole Jurisdiction.

3. That Kittery shall be and remain a Township and have and enjoy the Privileges of a Town as others of this Jurisdiction have and do enjoy.

4. That they shall enjoy the same bounds that are clear betwixt Town and Town as hath been formerly granted when Commissioners of each bordering Town hath renewed and returned to our General Court their Survey.

5. That both each Town and every Inhabitant shall have and enjoy all their just Proprieties Titles and Interests in the Houses and Lands which they do possess whether by the grant of the Town or of the Indians or of the former General Courts.

6. That the Town of Kittery by their Free Men, shall send one Deputy yearly to the Court of Election and it shall be in their Liberty to send to each Court Two Deputies if they think good.

7. That all the Present Inhabitants of Kittery, shall be free Men of the Countrie, and having taken the Oath of Freemen shall have Liberty to give their Votes for the Election of the Governor Assistants and other General Officers of the Countrie.

8. The County of York shall have County Courts within themselves in the most comodious and fit Places, as Authority shall see meet to appoint.

9. That every Township shall have Three Men appointed by the County Court, to end small Causes as others of the Townships in this Jurisdiction hath, where no Magistrate or Commissioner resideth.

10. That

10. That the Shire may or shall have three Associates to assist such Commissioners as the present Commissioners or the authority of the Massachusetts shall send And such Magistrates as shall voluntarily come unto them from Time to Time.

11. That the whole County of York shall not be drawn unto any ordinary General Trainings out of their own County without their Consent.

12. That the Inhabitants of Kittery shall have also the same Priviledges that Dover had upon their Coming under the Government.

13. That all such as have or shall subscribe voluntarily as the rest have done before the Ending of this Court shall have the Priviledge of Indempnity for Acts of Power Exercised by the former Gentlemen until the Protest, and for and in Respect of such Criminal Matters as are Breaches of penal Laws within the whole Government. Provided also that* Countye hath Liberty to appeal in Respect of his Case† Provided always that Nothing in this our Grant, shall extend to determine the Infringing of any Person's Right (where Possession is had) to any Land or Inheritance whether by Grant, by Patent or otherwise, but such Titles shall be left free to be heard and determined by due course of Law. The Commissioners do intend at their better Leafure to write also their Grounds and Proceedings to this Conclusion. Provided and it is hereby declared that nothing in this Grant shall extend to restrain any Civil Action or to review former Civil Causes which Reviews shall be brought to any of the Courts within one Year now ensuing.

14. And whereas there are certain Debts and Imposts due to the Inhabitants of Kittery and Agamenticus and some debts which are due from them to Particular Persons for public occasions It is therefore ordered and agreed that Mr. Nicholas Shapleigh shall have Power forthwith to collect such Sum or Sums of Money as are due to the aforesaid Inhabitants and pay such Debts as are justly due from them and give an account thereof within one Month to the Commissioners that shall be then in present being ; And if it shall then appear that there is not sufficient to discharge the People's Engagement it shall be supplied by Way of Rate according to the former Custom.

Simon Bradstreet, Bryan Pendleton, Thomas Wiggins, Samuel Symonds.

T H E

* Massachusetts Records " *Abraham Cunly* hath Liberty," &c.
 † Ibid. " Wherein he was fined ten Pounds, Anno 51."

THE Retourne of the Commissioners who upon the Comission graunted by the General Court bearinge date 28th of October 1652 viz. Mr. Simon Bradstreete, Mr. Samuell Symonds Capt. Thomas Wiggin and Mr. Brian Pendleton In Order to their Comission after they had beene at Kittery repaired to Accomenticus or Gorgiana And Sumoned the Inhabitants thereof to appeare before them.

[Records Inf. Court York County.]

UPON the 22d. of November 1652 the Commissioners held their Court; and the Inhabitants appeared and after some tyme spent in debatements and many questions answered and obiections removed with full and Joynt Consent acknowledged themselves subiect to the Government of the Massachusetts in New England onely Mr. Godfrey did forbearè vntil the Vote was passed by the rest and then immediately he did by word and vote expresse his Consent. Also the names of these that took the oath of freemen were

Francis Raine,
Tho. Crockett,
John Alcocke,
William Dixson,
Richard Codagon,
George Parker,
Andrew Euered,
Robert Knight,
William Rogers,
Samuel Alcocke,
Peter Wyer,
Philip Adams,
Mr. Edwd. Godfrey,
Lewis,
Robert Edge,
Philip Hatch,
Joseph Alcocke,

John Davis,
Nicholas Bond,
Edward Johnson,
Hugh Gaile,
William Garnsey,
Richard Bancks,
Mary Topp: ackn. only,
Edward Wentom,
George Beanton,
Mr. William Hilton,
William Moore,
Henry Donell,
Edward Stiet,
Rowland Yonge,
John Parker,
Arthur Bragdon,
William Ellingham,

John Tuifdale, senior,
Tho. Curtoones,
Silvester Stover,
Tho. Dennell,
Edward Rushworth,
John Harker,
Nicho. Davis,
Sampson Angier,
Henry Norton,
Robert Hetherse,
William Freathe,
John Davis,
John Tuifdale, Junior,
Mr. Abraham Preble,
Mr. John Gouge,
Mr. Tho. Wheelwright.

PRIVILEGES

PRIVILEGES of the Town of AGAMENTICUS.

[Province of Maine Records.]

AT a Court holden at a Place called Agamenticus or Gorgeana 22 November 1652 by the Comissioners of the Generall Court of the Massachusetts. The Inhabitants aforesaid having joyntly acknowledged themselves subject to the Government of the Massachusetts in New England we the aforesaid Comissioners have granted unto the said town

1. All the Liberties and Priviledges above specified and granted unto the Inhabitants of Kittery.

2. Further we do consent that the town now called Agamenticus shall be henceforward called Yorke.

3. That One Court shall be kept Yearely in the said Town, by such Magistrate or Magistrates and other Comissioners as the General Court of the Massachusetts shall from Time to Time appoint, and for the Present by such Comissioners as shall be authorized by the aforesaid Commissioners of the Massachusetts, which Court shall have the same Power for Trial of Causes Civil or Criminal arising in the County of Yorke, as other County Courts have in the Massachusetts Jurisdiction.

4. That such of the present Inhabitants as shall take the Oath of Freedom shall be thenceforth capable of giving their Votes for the Choice of Governor, Assistants, and other General Officers and of being chosen to any of the aforesaid Places of Honour and Trust.

5. It is farther agreed that the Inhabitants of York and Kittery, shall set out their Bounds betwixt them and the Inhabitants of Wells and York shall set out their Bounds betwixt them within one Year next ensuing otherwise it shall be done by Commissioners appointed by the General Court, and the Head Line of York bounds into the Country shall be upon a streight Line by the South East Side of a certain Pond about 2 Miles into the Country, beyond the Northerly Branch of a certain Marsh now improved by some of the Inhabitants of York, and so the Division Lines betwixt the Towns beforementioned and if it so fall out that any Part of the Marshes now reputed to belong to Yorke and improved by the Inhabitants thereof shall fall within Kittery Bounds, yet the Propriety of the said Marsh shall belong to the Inhabitants of York to whom it is granted, and if any of the Lands or Marshes now reputed to belong to Kittery and improved by any of the Inhabitants thereof, shall fall

within the Bounds of Yorke yet the Propriety of the said Land or Marsh shall belong to such of the Inhabitants of York or Kittery to whom it is granted.

SIMON BRADSTREETE,

SAMUEL SYMONDS,

THOMAS WIGGINE,

BRYAN PENDLETON.

✱ With the Consent of the Inhabitants the Commissioners on the 23. Nov. 1652. appointed Edward Godfrey, Abraham Preble, Edward Johnson and Edward Rithworth Commissioners, to whom, with one Assistant of the Government of the Massachusetts, they gave power to keep one County Court yearly at Yorke,—and to any three of them, assembling between the County Courts, to hear and determine (without a Jury) in the said Town any Cause not exceeding Ten Pounds. Either of the Commissioners might examine and commit Offenders,—administer oaths,—bind to the Peace, or good Behaviour,—solemnize Marriage, and admit Freemen—Any two Commissioners were authorized to grant or renew Licences for Ordinaries, and to appoint military Officers under the degree of a Captain : and the County Court had the appointment of a Shire Treasurer.

N. B. Wells, Saco, and Cape Porpus also submitted to Massachusetts Bay.

ORDER *for a Meeting at* PLYMOTH.

[Plymouth Records.]

March 1. 1652.

WHEREAS we have Intelligence out of our native Countrey of danger that may be towards us in Regard of the great variances betwixt the two nations of Holland and England ; the court hath ordered that Warrants bee directed to every Towne within the Government forthwith to require them, to make choise of two deputies for each town to meet with the Magistrates at Plymouth on Wednesday the sixth of April next and with them to treat and conclude on such milietary affaires as through Gods blessing may probably tend to our present and future safety.

THE Names of those that mett at PLYMOUTH as Deputies for the severall Townes for the Ends abovementioned.

[Plymouth Colony Records.]

April 6. 1653.

For Plymouth	{ Leiftenant Southworth	Barnstable	{ Leiftenant Fuller
	{ John Cooke		{ Sergiant Hinckley
Duxburrow	{ Constant Southworth	Marshallfield	{ Mr. Josias Winslow
	{ Leiftenant Nash		{ Mr. John Bradford
Scituate	{ Captain Cudworth	Rehoboth	{ John Allen
	{ Sergiant Johnson		{ Peeter Hunt
Sandwidge	James Skiffe	Eastham	{ Mr. John Done
Taunton	Ensign Purchase		{ Richard Sparrow
Yarmouth	{ Sergiant Rider		
	{ John Gorum		

The milletary orders agreed on and concluded are as followeth

First That the sune of Fifty pounds bee Raised of the severall Townes within the goverment according to theire proportions in other Rates in such pay as will answare for our partes of the powder and shott armes and lockes sent out of England to bee Reddy against such time as we shalbe required to answare for yt And that the said powder and shott &c bee Received and kept for the present att capt. Willetts and Mr. Paddyes Warehouse att Boston.

The Court have ordered that noe person within this Gouverment shall transport any provisions or suffer any to bee transported to either Dutch French or other strangers without Lycence from the Gouvernor or two or three of the assistants, on paine of forfeiting twise the value of the worth therof.

That the Milletary officers of every Companie shall present the defects of the armes of theire companies at the next court of assistants.

That a Milletary watch in every towne be continued vntell further order to the contrary.

That all men though above the age of sixty, bee Required either by finding a sufficient man, or in theire owne persons to watch according to order as shallbe agreed vpon in each towne excepting such as through both age and poverty are disabled, and that such widdows as have estates beare theire parte by finding one to watch according to theire proportions.

The Court Recommend to every Towne to provide som place or places to Retreat vnto that thether they may bring theire wives and children in time of eminent danger for theire better securitie.

That

That every Towne that shalbee defective in the want of a Drumm at any time for the space of two monthes shall forfeite the summe of forty shillings to the colonies vse.

That shalbe defective in coullers the space of six months foure pounds.

That a considerable companie of half pikes bee provided in every towne att the charge of the Townshipp videleceet wher 80 men are able to beare armes their twenty to be provided and soe proportionable to their number bee they greater or lesser.

That every towne provide hallberts for the fergi ints of their milietary companie.

That every towne that hath above fifty men bearing armes shall have powder answerable to a barrell for every fifty men and so bullets proportionable thereunto.

That noe man make an allarum without apparent danger.

That in case one gun bee shott of in the night whiles the milietary watch is kept within any towneshipp yt shalbe taken as an allarum to the said towne and answered by any man that shall heare the same.

That three guns or continued shooting or the beat of a Drumm in the Night shalbee an allarum to bee taken from towne to towne.

That in case any towne shalbe distressed by Reall assault vpon them such Towne as have a certaine Intelligence therof shall affoord Reliefe.

That all such as are chosen Clarke of any milietary companie shalbe sworne and any that shall refuse to serve as clarke for one yeare to bee fined twenty shillings and he that is next chosen and serves to have the said summe.

That one third of every milietary companie shall bring their armes with powder and shott to the meetings on the Lord's Day both forenoone and afternoone on paine of forfeiting for every one that shall neglect two shillings and six pence for every default and such fines to belong to their companie and this order to stand in force, vntill further order to the contrary.

APPOINTMENT of a Council of War.

[Plymouth Records.]

IN Regard of the many appearances of danger towards the countrey by enimies and the great necessity of counsell and advise in that Respect the court thought yt meet to make choise of a counsell of warr; which accordingly were forthwith orderly elected. Their names are as followeth

Mr. BRADFORD, President,

Mr. Prence,

Capt. Standish,

Mr. Hatherly,

Mr. Browné,

Mr. Alden,

Capt. Willet

Capt. Cudworth,

Leift. Southworth.

These nine or any three of them being orderly called together their acte to bee accounted in force and they to be continued in their places vntill the next Iune court com twelvemonth ; To bee orderly called is ment being summoned by the President or his Deputie, or in case of their absence any two Magistrates of the counsell of warr.

That the counsell of warr shall have full power to yssue out warrants to presse such a number of men in every towne as by proportion the said Towne is to set forth ; and alsoe to yssue forth warrants to the said Townes for armes and provision and all things necessary for them ; and what charges shall arise to be Levied on each towne proportionably as other publicke Rates and to give comission to any cheife officer vnder their charges either in time of peace or warr.

If by any ordering hand of God's providence such as are chosen Comissioners are hindered that they cannot appear att the Day appointed vntill a day or two after ; The Court declare their minds to bee, that notwithstanding they may acte and their actes in such case to be accounted valled and of force.

In case both the Comissioners bee present att the next meeting att Boston and doe not both sitt then the Courts mind is that neither of them shall acte.

MEETING of the Council of War.

[Plymouth Records.]

THE counsell of War met at Plymouth on the 12th of May 1653 videlect Mr. Thomas Prence presedent ; capt. Myles Standish Mr. Timothy Hatherley Mr. John Alden capt. Thomas Willet capt. James Cudworth ; and Leiftenant Thomas Southworth.

Haveing Received Intelligence from the comissioners mett at Boston of their agitations about and consarning a warr with the Duch in these partes of America, and serivly weyinge and deliberating vpon such grounds and Reasons with their circumstances as by the said Comissioners have been propounded enduecing thereunto ; They came to these conclusions following,

Videlect

Videlecett that whatsoever shallbee vndertaken or donn in aboute or conserning the said warr or any thing conducing thereunto shallbe acted and goe forth in the name and by the authoritie of the State of England. Secondly That in case theire shallbee a concurrance of the other Jurisdictiones with vs herein viz. all things acted in and aboute the premises, shallbee acted vnder God in the name of the State of England as aforesaid; And that vpon Returne of the messengers sent by the comissioners to the Munhatoes or other certaine Intelligence further grounds and Reasons shall appear to bee of weight necessitateing a warr with the said Dutch; They will bee in Reddines through the heale of God to assist and engage therein according to their proportions and utmost abilities

And for that end and purpose preparacon was made as followeth Warrants were Issued out in the name of the State of England for the pressing of the number of sixty men able and fitt for warr if need shall require which number was to be taken out of the severall townes within this Jurisdiction according to their proportions, viz.

out of Plymouth	7	Yarmouth	6
Duxburrow	6	Barnstable	6
Scituate	9	Marshfield	6
Sandwidge	6	Rehoboth	6
Taunton	5	Eastham	3

The Constables of the severall Townes were ordered by the warrants directed vnto them to have these proportions of men in a reddiness and to give notice vnto theire severall townes to provide sufficient armes for every man that shalbee pressed out of their severall townes as aforesaid.

The Commanders chosen and appointed to goe forth on the said expedition in case there shallbee occasion are capt. Myles Standish for captaine; Leiftenant Thomas Southworth for Leiftenant and Hezekiah Hoare of Taunton for Ensigne.

An order was alsoe passed in the name of the State of England for to prohibite the transporting of any provisions out of the Jurisdiction; either corn, biskett beefe porke cheefe butter &c without Licence from two magistates on paine of forfeiting the whole the one halfe to the informer and the other halfe to the collonies vse and this order to stand in force vntill further order to the contrary.

Moreover two Barkyes were alsoe pressed to attend the expedition aforesaid, videlecett, the Barkye in which Gorge Waton sayleth together with him the Mr. Therof and John Smith Junior of Plym: and Joseph Green with all things belonging to the said Barkye necesserie for the said expedition.

In like manner the Barkye in which Richard Knowles sayleth with him the master therof was pressed for the same purpose with John Younge and William Walker and all things necesserie for their vse belonging to the said Barkye.

Memorand,

Memorand, That a query bee made vnto the next court whether such persons as are pressed to goe forth as souldiers on publicke service &c their estates shalbee Lyable to be Rated notwithstanding towards the paiment of their wages or not.

COPY of a Letter from Mr ARNOLD to the Court at MASSACHU-
SETTS.

[Hutchinson's Original Papers.]

Pautuxit this 5th of September 1653.

THESE are to signify unto the much honored court that we understand how Gorton and his confederates are intended to send greate matters to Generall Cromwell or to other state of England against the state of Massachusetts about a letter that came into these parts from Massachusetts having four or five of the magistrates hands unto it, concerning the French shipe that was taken by the deceite of Capt. Hull in which letter as wee heare are seven reasons nominated to shew that it was not a lawfull prize, and in one of the reasons is mentioned the dissolving of the parliament out of which reason, especially, Gorton takes greate hold to lay a strong accusation against the state of Massachusetts. And we further heare that they doe intend to write what construction they doe gather from it and withall they mind to send it with the said letters, having the magistrates own hands to it the which they thinke will be a fure testimony against the magistrates, &c. Now as soone as I heard of it, I thought it to be my dutie with all expedition to write intelligence to the much honoured court, I not knowing what mischiefe they may doe in such a case as they doe much boast of, that the court might have notice of their evill-purpose before hand that, if it may so please the Almighty, by his good providence and your wise consideration and vigilant care, the evill plot of your adversaries may be prevented, &c. I rest your humble servant,

to be commanded,

WILLIAM ARNOLD.

I humbly desire that I may heare whether this letter doe come safe to the court, if not I may in short time write againe, &c.

PROCEEDINGS of the General Court relative to the Confederation of
the Colonies, and the Appointment of THOMAS PRENCE Commissioner
to settle Government at KENNEBECK.

[Plymouth Records.]

ATT the generall Court holden at New Plymouth the seventh of March 1653 before William Bradford gentleman Governor Thomas Prenc Myles Standish Timothy Hatherley John Browne John Alden and Thomas Willett gentlemen Assistants, &c.

The deputies of each Towne appeering according to the Summons directed to each Towne for that purpose; The occasion for sending for them was declared, viz. That whereas a Letter hath been some time since Received from the generall court of the Massachusetts concerning the Confederacon of the united Colonies whereunto an answer was Required to be made accordingly the court framed an answer and ordered that in their name it should be sent with the first convenience.

2. That whereas sundry have Intrenched upon the Liberties of the trade belonging to vs at Kennebeck; and whereas also Letters Patents have been granted and sent over from the honorable Court of Parliament and Counsell of State thereby giving and granting unto this Jurisdiction the aforesaid Liberties of Trade in the aforesaid River with enlargement as alsoe Requiring that such due course should be taken as that the English Residing in the said River should be orderly governed and carried on in a way of peace for their common good in civil concerns. The Court taking the premises into due and serious consideration did constitute, authorize and commission Mr. Thomas Prenc one of the honoured magistrates of this Jurisdiction with full and ample power to summons all and every the Inhabitants as he shall see meet dwelling within the aforesaid River of Kennebeck unto some convenient place to receive from him such Instructions and orders extant which he hath Received from the aforesaid generall court full power to require their observance of with full power alsoe to assume unto himselfe any other person or persons whatsoever to be assistant unto him in the premises.

INSTRUCTIONS *from the General Court to THOMAS PRENCE, Esq*
Comissionated for the erecting some orderly Government amongst the Inhabitants
of the River of KENNEBECKE.

[Plymouth Records.]

1. **T**HAT vpon their appearence att his summons hee tender and Require them to take the oath of fidelitie for the State of England and this present Government of New Plymouth;

2. That hee acquaint them with the body of lawes of this government, our Intention being not to expect their strict observeance of every thing peculiere to our selves but considering the distance of the place wee doe allow them libertie to make choise of such to bee assitant to our Comissioner as he shall approve of for the making of such further orders as may best conduce to their welfare.

3. That none bee allowed for Inhabitants their but such as will take the oath of fidelitie as abovesaid.

4. That such persons onely as have taken the said oath of fidelitie shall acte in the choise of such as may bee assitant to our Comissioner as abovesaid in making and executing such orders as may bee thought fit to bee established amongst them; and the said Assitants to acte as if they were actually freemen for the present untill further order bee taken.

The oath to bee taken of all such Inhabitants as shalbee allowed to reside in the liberties of this Government att the River of Kennebecke is as followeth.

You shalbe true and faithfull to the State of England as it is now established and whereas you choose att present to Reside within the Government of New Plymouth you shall not doe or cause to bee done any acte or actes directly or indirectly by land or water that shall or may tend to the destruction or overthrow of the whole or parte of this government that shalbee orderly erected or established; but shall contrary wise hinder oppose and discover such entents and purposes as tend thereunto to those that are in place for the time being that the Government may bee enforced therof with all convenient speed; you shall also submit and observe all such good and wholesome lawes ordinance and officers as are or shalbee established within the severall Limitts therof; soe help you God whoe is the God of truth and punisher of falsehood.

GOVERNMENT

GOVERNMENT *Established at* KENNEBECK.

[Plymouth Records.]

WHEREAS itt hath pleased the Right honorable the counsell of State of the common Wealthe of England notwithstanding their many great and weighty occasions to take into consideracon the condition of the English inhabiting vpon or neare adjoyning vnto the River commonly called Kenibeeke whoe by Reason of Remotenefes from other Jurisdiccions and their owne pawcitic and fewnes have not hetherto enjoyed the benifit of Gouverment noe doubt to the great greife of all well affected English It hath now pleased the Right honorable Counsell of State by authoretic of Parliament to confer the Gouverment of the aforesaid Inhabitants vpon the Jurisdiction of New Plymouth the first Inhabitants and Gouverment in those partes as by their Letters Patteints doth appeer.

In pursuance wherof and by vertue of the aforesaid authoritie graunted to Willam Bradford and his Associates the said Willam Bradford and his associates att a generall Court held at New Plymouth gave full power and authoritie to Mr Thomas Prence one of the assistants in the aforesaid Gouverment for the settling of a Gouverment vpon the said River Kennebecke by vertue whereof the said Thomas Prence Issued out a warrant directed to the Marshall of New Plymouth bearing date the 15th of May 1654 requiring the Inhabitants vpon the said River to make their personall appeerance at the House of Thomas Ashley att Merry Meeting vpon the 23d of that present month att which time and place the People Generally assembled and after publishing of the aforesaid authoritie the Inhabitants here vnder written have taken the oath of fidelitie viz.

Thomas Purchase gentn.	Thomas Parker	Thomas Atkins
John Stone	John White	James Coale
Thomas Ashley	John Browne	John Parker
John Richards	Willam Davis	Emanuel Hughes
James Smith	Thomas Weber	Alexander Thawyt
Willam James.		

Orders made and agreed vpon at the same Meetinge,

1. That all Capitall Crimes and trialls vpon life and death bee Referred to the Generall Court att Plymouth.

1. Treafon against the Commonwealth of England or these Colonies.

2. Willfull murder.

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3. Sollem

3. Sollem Converting or compacting with the Devil by way of Conjuracon or the like.

4. Willfull or purposed burning of Houses.

5. Sodomy Rapes and Buggery.

6. That adultery be tried att Plymouth.

7. That Theft bee punished by Restitution of three or 4 fold according to the nature of the offence and according to the discretion of the assistants.

8. That if any person or persons drinke themselves drunke for the first default 5^s for the 2cond 10^s and the 3d time bee sett in the stocks.

9. Wilfull Prophaning of the Lords day to be punished according to the discretion of the assistants.

10. Whereas there hath been great abuses in trading wine and other strong Liquors with the Indians wherby they drinke themselves drunke, and in their drunkenness comitt much horrid wickedness as murdering their nearest Relations &c as by sad and woefull experience is made manifest, It is therefore ordered that no person or persons whatsoever from this time Trad any strong Liquors directly or indirectly to the Indians within this Jurisdiction vpon the forfeiture of the double value of goods soe traded for their first default and fourfold for their 2cond default in that kind and for the third default if an Inhabitant to lose the priviledge of trading with the Indians for the future; and for any stranger that shall come to trade or comerce with the English or any other that have not taken the oath of fidelitie to the commonwealth of England and this present Gouverment and yett Reside within the Limits of this Jurisdiction or any parte thereof for the Present, for their first default in that kind to forfeite the summe of ten pounds sterling to be Levied vpon their goods or estate that shall bee found within this Jurisdiction or any parte thereof and for the 2cond default 20lb. sterling to be levied as aforesaid; The one halfe of all such penalties to be desposed of to the persons enforming and the other halfe to the publicke uses.

11. That fishing and fowling bee free to all the Inhabitants as formerly.

12. That if any Indian or Indians bring beaur or moose to any of the Inhabitants of this River, within their owne limits they may trad freely with them as formerly provided it bee not for such things as are prohibited.

13. That there bee no action tried att this court exceeding 20lb. sterling vnlesse by the consent of both parties and in case any greater action doe arise, then the case to be tryed att the generall court att Plymouth,

14. It is agreed that the next court is to be holden the 3d day of the weeke following the 20th of may next att the house of Thomas Ashley.

15. That all actions betwixt partie and partie bee tryed by the verdict of 12 men.

PERMISSION *to the PROTECTOR's Commissioners to raise Men in*
MASSACHUSETTS.

[Massachusetts Records.]

At a General Court holden at Boston 9th. of June 1654 being called by the Governour.

THE General Court having received and perused a Letter from his Highness the Lord Protector of the Commonwealth of England, Scotland and Ireland full of great and favourable Respect to this Colony which they desire to keep in grateful Remembrance and shall be ready at all times wherein they may with Safety to the Liberty of their Consciences publick Peace and Welfare to their utmost attend his Highness's Pleasure. This Court therefore declares that though they understand that this Colony is not in such a Capacity as may be apprehended to send forth such numbers of Men as might vigorously assist in that Undertaking yet do freely consent and give Liberty to his Highness's Commissioners Major Robert Sedgwick and Capt. John Leveret to raise within our Jurisdiction the Number of 500 Volunteers furnished with all necessary Accommodations to assist them in their Enterprize against the Dutch; provided the Persons be free from legal Engagements.

PROCEEDINGS *of the Council of War at* PLYMOUTH.

[Plymouth Records.]

THE Counsell of warr mett att Plymouth the 20th of June 1654 att which meeting warrants were Issued out in the name of his highness the Lord Protector of England, Ireland and Scotland for the pressing of the number of fifty men to bee taken out of the severall townes within this Jurisdiction to goe forth with Major Robert Sedgwick and Capt. John Leveritt on an Intended expedition against the Dutch at the Monhatocs the proportions of each towne are as followeth

Plymouth	6 Men	Yarmouth	4 Men
Duxburrow	6	Barnstable	5
Scituate	8	Marthfield	5
Sandwich	4	Rehoboth	4
Taunton	5	Eastham	3

These being well provided for were to goe forth vnder the comand of Captaine Myles Standish whoe was ordered to bee their comander in cheife Leiftenant Matthew Fuller was ordered to goe forth with him as Leiftenant on this expedition and Hezekiah Hoare was appointed to bee Ensigne bearer.

The Comission given to Captaine Standish is as followeth : Whereas wee are Required by his highnes the Lord Protector of Engiand Ireland and Scotland to afford Assistance vnto that Designe of Reducing the Duch to Obedience vnto the State of England ; In order therunto wee havinge raised some forces over which wee doe constitute our welbeloved Friend Capt. Myles Standish their Leader and Comaunder in Cheife ; of whose approved fidelitie and abilitie wee have had long Experience vnto whose wisdom and discretion wee doe committ the leading and ordering of these our men, and vnto whome wee doe require our men to yeild all due Obedience as vnto their Comaunder ; and that hee bee redly vpon the 28th. of this present Iune att Plymouth to receive such men as shalbee their comitted to him and vpon the 29th. Day to march them vnto Sandwich and their further to receive those that shalbee brought from those four plantations vnto him ; And from thence to march his Men to Mannomett and there to shipp them aboard the Barke called the Adventer ; and soe taking the first opportunitie of wind and weather of sayling to the Monhatoes or such place of Rendevoos as shall bee appointed there to meet with Major Robert Sedgwick and Capt. John Leverett the Comissioners in cheife appointed by his highnes the Lord Protector for the designe and there to joyne with them for the carrying on of the said designe according to such direction as shalbee given him from time to time by the Comissioners in Cheife and counsell of Warr.

Plymouth June the 20th. 1654.

Given vnder our hands and the common Seale of our Gouverment

WILLIAM BRADFORD, President,

JOHN ALDEN,

THOMAS PRENCE,

THOMAS WILLET,

WILLIAM COLLYARE,

JAMES CUDWORTH,

TIMOTHY HATHERLEY,

JOHN WINSLOW,

Captaine Thomas Willet was ordered speedily to Repaire vnto the Comissioners in cheife, whoe were att present att the Massachusetts, to accompanie them vnto the Monhatoes and to bee assistant vnto them in advise and counsell, Whose Comission is as followeth

Whereas in Obedience to his highnes the Lord Protector we are willing to concur according to our weake abillitie in the designe against the Duch att the Mon-

hatoes ;

hatoes ; in Reference vnto the Nationall quarell ; And being desired that wee should send some for to counsell and advise with those who are authorised in cheife by his highnes the Lord Protector for the carying on of that Designe accordingly wee have appointed and authorised our trusty and welbeloved Frind capt. Thomas Willett to goe along with them and to aford his best help therin for the furthering of the designe, as alsoe our trusty and welbeloved Frind capt. Myles Standish when hee shall meet with them as Opportunity shall present and occasion shall require, Given vnder hands and Common seale of Government

WILLIAM BRADFORD, President,

Plymouth, June 20th. 1654.	John Alden,	Thomas Prence,
	James Cudworth,	William Collyare,
	John Winflow,	Timothy Hatherley.

The Instructions for our Welbeloved Frinds Capt. Myles Standish and Capt. Thomas Willett are as followeth.

1. That Wee onely Joyne in this busines with Respect vnto the Nationall quarrell,
2. To attend onely the Comission that hath been seen ; And if any thing bee vrged beside It to decline and wave it.
3. If any proposition bee made, or way proposed to make Restitution to the other collonies for their charges ; we also looke for and expect the like.
4. That if our men want any thing that you would Improve yourer entereft in that behalfe to make a supply and wee shall see the countrey make you due satisfaction.
5. That you take all occations and oppertunities of conveying Intelligence vnto us.
6. That the designe being accomplished you endeavor to Returne our men with what convenient expedition may.
7. Other things of like nature which may fall in which wee think not of we leave to your discretion.

Ordered by the Counsell of Warr

That if any to avoyd the present presse shall depart out of their owne Towne to another that then the custable of that towne is Required to presse them notwithstanding, and such to goe vpon account of their owne towne and to be sent forthwith to the Custable thereof.

The Barkque in which Samuell Mayo sayleth was pressed to attend said service for the Transportation of the fouldiers.

And in like manner the Boate of Iames Cole of Plymouth with seamen to goe in them on the said busines.

Vpon the 23d of Iune 1654 happy tidings came of a long desired peace betwixt
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the two nations of England and Holland by which all the aforesaid Intensions and preparations ceased from being Employed and Improved vnto the carrying on of the aforesaid enterprize.

PROCEEDINGS of PLYMOUTH *General Court about the Confederation.*

[Plymouth Records.]

ATT a Generall Court holden vpon extraordinary occation att Plymouth the first of August 1654 before Willam Bradford gentleman Governor Willam Collyare Myles Standish Timothy Hatherley and John Alden gentlemen Assistants.

The deputies of each Towne appeered according to the summons sent for them the occation wherof was concerning the Confederation of the vnited Collonies: vpon agitation about fundry particulars conserning the same the Result was, to send Commissioners as formerly and for that end Instruitions were prepared for them to make use of at the time and place of meeting which was att Conecticott the first Thurf-day in September 1654.

Instruitions from the Generall Court holden at Plymouth August the first 1654 for there Commissioners

1. That they consider with the other Commissioners for some due Reparation of the breach of any articles of the Confederacon that may appeer broken as in such case is provided in the eleventh article or as may bee thought fitt.
2. That such a favorable construction or explanation bee made of the sixt article that an offensive warr bee not vndertaken without the consent of the Generall Courts yf it may be.
3. That it be considered for a constant place of meeting of the commissioners either at Boston or Rehoboth; the charges theratt to bee borne by the whole equally.

WILLAM BRADFORD

WILLAM COLLYARE

JOHN ALDEN.

MASSACHUSETTS

MASSACHUSETTS *General Court's Approbation of the Proceedings of the Commissioners for the UNITED COLONIES.*

[Massachusetts Records.]

THE Court having perused and seriously considered the agreement of their Commissioners at their last meeting at Hartford as to the ending of all former differences and offences betwixt this Government and the rest of their Confederates do approve thereof and consent thereto professing their Resolution to act accordingly and therefore do order that Letters be sent to the other three Generall Courts to certify the same.

RETURN of *Survey of MASSACHUSETTS North Line.*

[Massachusetts Records.]

18th October 1654.

MR. JONAS CLARKE and Mr. Samuel Andrews both well skilled in the mathematicks having had the Command of Ships upon severall voyages being appointed to take an observation at the northerly Bounds of our Patent upon the Sea Coast made this return as followeth.—Our Observation taken the 13th day of October 1653. The Place of our last observation the altitude of the Sun was according to observation and our best judgment thirty four degrees thirty four minits The Declination of the Sun was according to Calculation in England eleven Degrees thirty nine minits the Difference of Longitude betwixt this Place and England according to our best Judgment is sixty three Degrees which in Time makes four hours and one fiftieth Part of an hour which adds to our declination three minits and 40 seconds, all which Altitude, Declination and meridional Difference being added together doth make forty six Degrees sixteen Minits forty Seconds which being substracted from ninety Degrees gave us to bethen in north Latitude forty three Degrees forty three Minits twenty Seconds which was eight Seconds to the Northward of our Latitude given which we measured back again upon a South Line and there fell in a very plain Place where were few Trees but we marked four or five Trees one of them marked with M. B. and at the Sea Side where the Line doth extend there lyeth a grayish Rock at a high Water

Water mark cleft in the middle else the Shore being Sand without Stones, the Line doth run over the northermost Point of an Island as we guessed not above two or three Rod above Highwater mark the Island is called the upper Clapboard Island about a Quarter of a mile from the main in Casco Bay about four or five Miles to the Northward of Mr. Mackworth's House. Given under our hands the 29 of October 1653.

JONAS CLARKE

SAMUEL ANDREWS.

[Mr. Andrews attested the above, on Oath, before the Court, on the 19th October 1654]

PROTECTOR's *Commission to General VENABLES.*

[Thurloe's State Papers, Vol. III. Page 16.]

Oliver lord protector of the commonwealth of England, Scotland and Ireland, and the Dominions thereto belonging, to our trusty and well beloved Robert Venables, general and commander in chief of our army and forces to be sent into or raised in America.

WHEREAS we are resolved, through the Blessing of God, to send an Army into America, for securing and increasing the Interest of this commonwealth in those Parts, and for opposing, weakening, and destroying that of the Spaniards, who under a pretence of the pope's donation claims all that part of the world, as belonging unto him, and thereupon hath not only exercised inhuman cruelties upon the natives, and prohibited all other nations to have any trade, commerce, or correspondence with those parts; but hath, contrary to the laws of all nations, by force of arms expelled the People of these Islands from several places in America, whereof they were the rightful possessors, destroying, and murdering many of their men, and leading others into Captivity; and doth still continue all manner of acts of hostility upon us, and the people aforesaid in those parts, as against open and professed Enemies; thereby threatening the ruin and destruction of all the English plantations in those parts, when he shall have opportunity for the same. And we having by advice of our council raised and levied forces here in England, to be sent into the parts aforesaid, and intending also, that other forces shall be raised in the Barbadoes
and

and other Caribbee Islands and places there, to be joined unto them; and reposing trust and confidence in your faithfulness, ability, courage, conduct and circumspection, we have constituted and appointed, and do by these presents constitute and appoint you the said General Venables, commander in chief under us of the army and forces, raised or to be raised by authority from us, for the end and service aforesaid; giving and granting unto you full power and authority to rule, govern, command, dispose, and employ the said army and forces, and every part thereof, and all officers and others whatsoever, of and belonging to the same, in, for, or about all defences, offences, executions, and other military and hostile arts and services; and to lead and conduct the said army and forces, or any part thereof, against the king of Spain his people, and subjects, in any parts of America, and all others whomsoever, who shall aid and assist him or them there, or shall be enemies or rebels to us and this commonwealth in those parts, and them to pursue, invade, resist, kill, and destroy by all means whatsoever; and also to command all garrisons, forts, castles, and towns, within the said parts of America, which are already garrisoned and fortified to our use, or shall be hereafter garrisoned and fortified; and also full power and authority to assign and grant commissions to all such commanders, officers and governors, of the said army, forts and garrisons as shall be thought necessary and requisite for the command and government of the same; and also full power and authority to command the several and respective governors of the islands of Barbadoes, Bermudas, Antigua, and other the Caribbee islands, and of all other English plantations in America; and all other officers and ministers whatsoever in the said islands and places; and also full power and authority to execute, or cause to be executed martial law, according to the cause and customs of war, and according to the laws and ordinances of war upon or against any person or persons offending against any of the said laws or ordinances of war; and also full power and authority from time to time by yourself, or others deputed and authorized by you, to take up and use such carriages, draughts, boats and other vessels, as in your discretion shall be thought needful for the conveying and conducting of the said army and forces, or any part thereof or for bringing or carrying ordnance, artillery, ammunition, victuals, or any provisions, or utensils of war, necessary or requisite for the same army, or forces, or any part thereof, to or from any place or places, in order to the said service; and also full power and authority to do and execute all other things incident and belonging to the place of a commander in chief of an army, and which shall be necessary and requisite for the carrying on and accomplishment of the Premises; and all commanders, officers, and soldiers of the army, forces and garrisons, are hereby required to obey you as their commander in chief, according to the discipline of war; and likewise the governors, officers, and ministers of the said several islands and plantations, and all other officers

and persons whatsoever in the parts aforesaid, are hereby required to obey you, and to be aiding and assisting to you in their respective places, for the ends and purposes aforesaid : and you are in the prosecution and execution of all and singular the premises, to observe and follow all such instructions, orders, and directions, as you shall herewith or from time to time hereafter receive from us. And for the premises these presents shall be your warrant. In witness whereof we have caused these our letters to be made patents. Witness ourself at Westminster, the 9th day of December in the year of our Lord one thousand six hundred and fifty four.

Indorbed by secretary Thurloe.

4 December 1654.

This Commission was read in the counsell, and past.

P R E S E N T.

Lord President,	Colonel Mountagu,
Lord Lambert,	Mr. Strickland,
Col. Fiennes	Sir Ch. Wolsey,
Col. Sydenham,	Col. Mackworth,
Col. Jones,	

Ordered, that his highness be advised to give this commission to general Venables.

T H E Protector to the Commissioners of MARYLAND.

[Thurloe's State Papers, Vol. IV. P. 55.]

IT seems to us by yours of the 29th of June and by the Relation we received by Colonel Bennet that some mistake or Scruple hath arisen concerning the Sense of our Letters of the 12th of January last ; as if by our Letters, we had intimated that we would have a Stop put to the Proceedings of those Commissioners, who were authorized to settle the civil Government of Maryland, which was not at all intended by us, nor so much as proposed to us by those who made addresses to us to obtain our said Letter ; but our intention (as our said letter doth plainly import) was only to prevent and forbid any force or violence to be offered, by either of the Plantations of Virginia or Maryland from one to the other upon the differences concerning

cerning their Bounds, the said differences being then under the consideration of ourself and council here; which for your more full satisfaction we have thought fit to signify to you, and rest

Your loving Friend

Whitehall, 26th of September 1655.

COPY of a Letter from Mr. THOMAS WELLES to Maj. ROBERT
SEGEWICK and Capt. JOHN LEVERETT.*

[Hutchinson's Original Papers.]

Honored Sirs,

I HAVE received yours of the 5th of this instant, and have given a call for a generall courte, but our townes being farr distant we cannot meete untill the beginning of the weeke. I have sent a messenger to Major John Mafon who lives at Seabrooke, but he is not yet returned. I knowe that our colony will with all thankfulness imbrace this favour and respect from his highness and with all readines attend the counsell and advice of his commissioners; wee shall send one commissioner to join in counsell with yours, and I suppose by this time you understand what concurrence there is from the Bay, that you might informe us what number of men you expect from us, and what kinde of provisions you most need, wee have at present plenty of biskett, and some porke, but little butter or cheefe; also which way you intend your shipping shall come, and where our men shall meete, wee are altogether ignorant in the managing of affaires of this nature, and therefore desire you would dispatch our messenger with what speed you can, to give us some information and direction herein, and you shall find our readines to assist according to that little strength and means we are furnished withall. Also wee desire to know what number of land souldiers you can spare for the designe. It is thought by some that know the strength of the Dutch, that this service will require at least 500 land souldiers. Capt. Underhill and John Younge, who are gone towards the Bay, can best informe you of the state of things there, either in regard of fortification or the number of men, various reports come thence. I am glad to heare of your safe arrival

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* This and the next Letter are answers to requisitions made by Oliver for aid in recovering what is now called New York from the Dutch.

vall after so long and tedious a voyage, and hope you are preserved to be instruments for the good of church and common wealth, thus with remembrance of my due respect to yourselves, I take my leave and rest ready to attend the service as I shall receive further direction and advice from you and remaine,

Your loving friend,

Hartford this 10th of June 1654.

THOMAS WELLES.*

*COPY of a Letter wrote by Order of the General Court at PLYMOUTH
to Major ROBERT SEDGWIGG, &c. at BOSTON.*

[Hutchinson's Original Papers.]

Gentlemen,

YOURS bearing date the 13th of these presents wee received by our messengers Capt. Standish and Capt. Willet, and having seriously agitated and deliberated upon particulars in reference to the command sent unto us by his highness the Lord Protector of England, Scotland and Ireland, as also unto your proposalls; the result is, that by the helpe of God wee intend to close with you in your intended enterprize against the Dutch at the Manhatoes with such small helpe as we are able to afford; and according to your desire wee have appointed Capt. Thomas Willet to repaire to you with all convenient speed to afford what helpe may be for the facilitating the aforesaid expedition and it shall be our endeavour to have such means conducing to the aforesaid expedition as wee are able to afford in as good readines as wee can with all convenient speed, we rest, Sirs,

Your assured friends,

NATHANIEL MORTON,

Plymouth the 15th of June 1654.

Clarke by order of the generall court.

APPLICATION

* Thomas Welles was a Magistrate of Connecticut Colony, afterwards Governor before Connecticut and New-Haven were united, and Deputy Governor after the Union.

APPLICATION of SEDGWICK, LEVERETT and others to the General
Court.*

[Hutchinson's Original Papers.]

Boston in New England 20th October 1654.

May it please this honoured court,

PROVIDENCE having soe disposed it as to bring the province of Acadia under the power and government of his highness Oliver lord Protector of England, Scotland and Ireland, we well knowing what greate respect you owe unto the state of England, and not doubting of your readines in any thing you can to manifest the same to them, are therefore encouraged to make these few propositions in the name of his highness and the state of England.

1. That you would be pleased to declare that if the English inhabiting in the country of Acadia be at any time assaulted with an enemy, or in any occasion of needing helpe from this government, you will assist us with such men as we may stand in neede of, we paying for them according to the Custome of paying soldiers in this country in any service you employ them in.

2. That as its well knowne that at present there is noe wayes to maintaine the vast expence of the garrison but by trade with the salvages, as its now a settled law in that province that not any should trade with them but such as are deputed by those in authoritie in the province, that accordingly you would assent and consent that law and order, soe far as that it may be effectuell in this government, soe as when any shall be convicted of the breach thereof they may suffer as if they had been taken in the province of Acadia.

Many reasons we might give, and shall if desired, why there might be a compliance with us in this our request, but we hope that respect and compliance with England will be argument enough to admit this favour in which we hope we attend much the good of these plantations, and be confident you shall finde us readie to
our

* * See Hist. Mass. V. I. p. 182 & 183, where he is supposed to have died in England. Cromwell sent him with stores after Penn to the West Indies. He was made a Commissioner after Winslow's death, and died himself at Jamaica in 1656. *Thurloe's Collection*, V. V. p. 96."

our power to serve you either here or in any place God shall caste us in, and remaine your humble servants,

ROBERT SEDGWICKE,
JOHN LEVERETT,
WILLIAM HATHORNE,
ROBERT FENN,
MARK HARRISON,
ROBERT MARSTIN.

MASSACHUSETTS *General Court's Reply to G. CLEVES Proposals about* YORKSHIRE.

[Massachusetts Records]

October 24th, 1655.

IN Answer to the Propositions presented to this Court by Mr. George Cleaves employed by severall Inhabitants of the northern Parts of our Patent pretended by them to be the Province of Lygonia, The Court having considered and compared the Patents produced by Mr. Cleaves with our own do find ours to have the Precedency and so consequently the Lands in Dispute to be our proper Right by Patent, lying and being situate within three miles of the northward of the most northerly Part of Merrimack River the Bounds granted us by Patent as may appear by the Original, a Copy whereof we have delivered according to the Desires of the said Inhabitants to Mr. Cleaves together with the testimonies of the Surveyor of the most northerly Part of Merrimack, as also of those that observed the parallel Latitude upon the Sea Coast in or near unto the Bay of Casco, the Search whereof though deferred for some years cannot prejudice our Right when known nor strengthen the Title of others because we did not in particular challenge the utmost of our Bounds which we could not in modesty do till we had thereof some Assurance, though our general Claim hath been constantly from the first to three miles Northward of the most northerly Part of the said River in Length and Longitude through the main Land from the Eastern Sea to the Sea on the West; and therefore all Grants, Orders or combinations to concerning or of any persons within the said Limits are invalid null and of no Force or Obligation upon

on the Consciences of any nor is there any Fear of Imputation to any upon that account; how fairly we have demeaned ourselves to all our neighbours in all our References and Concernments we leave to them to testify as they see Cause.—How since we have known our Limits we have civilly and friendly declared ourselves to the Inhabitants of those parts hath been to their Consent and Approbation, neither was threatening ever objected to us till now too soon, because too unjustly, upon those that are innocent. We have and do modestly demand our Right and cannot accept of a denial from those that ought to yield it, nor consent to any Forbearance thereof because we have no Doubt therein, and find that thereby we do but furnish others to object against us. We have not endeavoured to infringe the Liberties of the Planters of those Lands but have offered them the same with ourselves, nor to enrich or ease ourselves by taxing their Estates, we expect no more than what they formerly did viz. bear their own charges, nor do we seek to put upon them that which we ourselves would count unequal viz. to subject to such Laws and Constitutions made by others without their Consent, it being the Portion of most of our present Inhabitants as of the Subjects of most Countries to be in no other Capacity, the Constitution of Government and new model of Laws not being made in every age of Men or upon the Arrival of New Comers to a Colony. If therefore the said Inhabitants shall endeavour to prevent us in our just Rights, we must profess against their proceedings as unjust, and shall advise ourselves to take such Course as shall evidence our Desires to acquit ourselves honestly before God and man.

A PAPER *concerning the Advancement of Trade.*

[Thurloe's State Papers, Vol. V, Page 80.]

THE English colony in Virginia being Members of the commonwealth of England, and acknowledging the Government established, may as justly claim the benefit of protection and all other privileges and advantages claimable by subjects, as any other body of subjects in England or elsewhere can expect from the government thereof. For not being separated from the rest by way of punishment, but to enlarge the territories and dominion of England whereby not only the power but wealth of the Nation is much encreased, their transplantation cannot in reason or justice take off from any privilege they enjoyed before, or should enjoy, being yet within the bounds of England. The Protection and Security we enjoy at home under the nearer influence of the government, 1. In general, against enemies both foreign and domestick, by a potent Militia. 2. In particular, in our persons and estates, by

an impartial administration of justice, and execution of the laws; the peace and plenty we enjoy do sufficiently manifest: the flourishing of Commerce and trade does abundantly evidence the encouragement proposed to industry. But that the Virginians are not equal sharers in their mother's blessings, a view of their present condition will easily demonstrate.

Their insecurity from the treacherous cruelty of their barbarous neighbours we may gather by looking back upon former massacres, they being now in no better posture of defence than then.

That the natives are not much to be feared as an open Enemy is easily granted; but being a People, that have no tie of religion or morality upon them, nothing but an awe of some visible power can restrain them from the execution of their malice and revenge, when they think they have an Opportunity.

The remembrance of their last punishment when they lost their great king, has hitherto kept them in awe; but time will sooner wear out the sense of their smart, than their thirst for revenge: they have not forgotten the Advantage they have (and still have) by the distance of our plantations from one another; nor are they ignorant of our want of force in readiness either to correct or suppress them. Besides to these advantages if any encouragement should be given them by any foreign or more powerful prince, we should quickly see them appear in their own colours. What Encouragement the poor planter has had to sweeten his labour, since the Dutch were excluded trade, appears by the general complaint of them all, that they are the merchants slaves, who will allow them scarce a halfpenny *per* pound for their tobacco. Beside that since the Dutch trade was prohibited till this year, there has been a great deal of their tobacco left behind for want of freight and spoiled, to the (almost) undoing of divers of them. This will in time utterly undo the poorer sort (three parts of four of the whole) and reduce them to a necessity of becoming slaves to the rest, who being merchants as well as planters, will be better able to subject, or else provoke them to conspire with the natives to cut their neighbours throats; which, besides the abominableness of it, would certainly ruin the plantation. This is an inconvenience, which has attended that act for navigation, which doubtless had honourable and advantageous Ends in it. But unless it be a little dispensed withal, it will undoubtedly ruin that Part of the trade it was intended to advance. 'Tis true, the people of themselves, some of them at least, have (this year) endeavoured their own relief by secret trade with the Dutch (conveying their tobacco with the Dutch plantation) whereby part of those ships, that arrived there, though some miscarried ('ere they arrived at the port) are like to return without their lading, which has redounded not only to the merchants and seamen's loss, but the state is thereby much defrauded of their customs. Either these Inconveniences or the ruin of the poor planters must follow, if the act be rigorously observed.

To

To remedy all these inconveniences, I shall humbly propose, that some part of the emolument, which is raised out of those poor people's labours, as a customary subsidy towards the support of the supreme authority, and for the better government and support of the nation, may be disposed of to their security and encouragement; which may be done with little charge, if his Highness would be pleased to permit the Dutch to fetch a certain quantity, as three, four, five, or six hundred tun of tobacco yearly, paying the custom for it there; and out of this fifteen hundred pounds *per ann.* to be disposed of to the maintenance of a certain number of soldiers, to keep a fort in some convenient place; and the overplus to be returned for England, or disposed of as his highness and council shall think fit.

This fifteen hundred pounds would arise out of such tobaccos, as are yearly either left behind, or secretly conveyed to the Dutch plantation; and so the income to his highness's exchequer not at all lessened, and yet many grievances redressed: the plantation put in a better condition to defend itself both against Enemies foreign and domestick, the planters satisfied and endeared by an act of clemency and paternal care in his highness, in mitigating the rigour of the act, which must of necessity have been their ruin. Besides the ends before proposed, to which this expedient will be satisfactory, many other advantages will arise from it, as the making further discovery of the country, which the English, in the condition they are now in, cannot well do, the attendance on their tobacco giving them their whole year's employment.

That there may be mines is more than probable; some of the natives upon the discovery of the southern part shewed pieces of copper; and it is very certain, that in the Spanish plantations in the same latitude there are mines of a better sort.

Besides here is no question, but beyond the western hills there may soon be found the heads of rivers, which of necessity must empty themselves into the South Sea; the advantages whereof are so obvious it were vain to mention them.

If the Dutch were allowed to fetch more tobacco than would raise the forementioned sum, (and so come with more ships than one) they might be obliged to bring negroes to supply the colony with servants, that this nation may not be too much exhausted, nor that colony come to ruin for want of servants. The overplus of customs may be faithfully conveyed for England; or if his highness would be graciously pleased to allow part of it towards the propagation of the Gospel, to maintain fit instruments for that employment, which without encouragement will go but slowly forward, the promotion of so glorious a work would add much to his great name, confirm some, and convince others that the Lord of Hosts had raised him up to do his work. If something else were allowed to the encouragement of seamen to inhabit there, it would in time infinitely advance navigation and increase of shipping, there being no place more proper than upon and near that coast, and nature

as if prompting to such a Trade) has already provided salt in the bowels of the earth, where it only requires fetching, and that at no great distance. These benefits (much more might they be reckoned) being so advantageous to the nation in general, and so almost necessary to that plantation in particular, will certainly abundantly outweigh all inconveniencies that can attend it; and in a little time (being by this means encouraged to industry) put the colony in a capacity to return a thankful acknowledgment of so great a favour, and by the fruits of their labours to defray the charge of bringing them to such a perfection.

A Brief Narration of the ENGLISH Rights to the Northern Parts of
AMERICA.

[Thurloe's State Papers, Vol. V. Page 81.]

A. D. 1656.

AS a part of the westward part of the fourth part of the world, called America or the West Indies was first discovered by Columbus, at the charges of Ferdinand and Isabel sovereign of Spain; and as by virtue of that discovery their successors claim a general right and title to all the lands within that tract, and a particular, either to such land, which they shall purchase from the native proprietors, of such which are void of inhabitants, or such which they shall conquer and subdue with the sword; and as the two first particular rights are undeniable, so they may plant and erect what colonies they please therein of their own native subjects or others. Although the third is something disputable, yet notwithstanding the general right of Spain to the above place was never yet denied or controverted by any prince or state in Europe, and no attempt made against them by any (to interrupt them in those places they had taken and kept possession of there) but only at such times, as Spain was in hostility with one or more of the nations of Europe, for as it hath been the most just custom and practice of many states, that when the commonwealth did superabound with People, rather to seek out new discoveries (then to make war with their neighbours) for the transporting and transplanting of colonies, where they might enjoy lands according to the two first particular rights, and at the public charge of the commonwealth or the particular of some certain persons, and the discovery being made, and colonies planted, it must very easily follow they were and are to remain and to be accounted as members of their mother commonwealth: so all the lands discovered for the ends aforesaid, whether in a smaller or greater latitude, and at the charges aforesaid, and with the inclusion of the two first particular rights

rights are to be accompted the intentional and national right and property of the first discoverers, and that according to the Law of nature, and in that the Law of Nations; and whatsoever prince or state (in league and amity with that prince, state or commonwealth) that shall intrude within the said limit, and anticipate the first discoverers, is highly guilty of the breach of civil correspondency and of the law or custom of nations civilized. And that the Dutch have both intruded and anticipated the first discoverers the English nation in these northern parts of America, is made easily to appear, and that since they cast off the yoke of Spain; for whilst they were and did acknowledge themselves subjects of Spain, they must necessarily and did acknowledge the English rights to these northern parts of America. For as the then sovereign Ferdinand and Isabel did acknowledge the same to be in our Henry VIth. of England and his successors: so the Duke of Burgundy, under whom and to whom the Netherlands were subject, coming to be King of Spain, acknowledged the same, and that upon the aforesaid Grounds; for as Ferdinand and Isabel employed Columbus at their own charge and set forth a Fleet of ships under his command for new discoveries; so our Henry the VIth. much about the same time employed Sebastian Cabot, † sending a Fleet of Ships under his command upon the like Design. And as Columbus discovered the western or southern Parts, so Cabot (at the Charge of the said King) discovered these northern parts. And ever since which the national right of the English nation (to these parts) hath been lawfully maintained from age to age successively almost for the space of two hundred years, and that either at the public charge of the prince, or some private generous undertakers; and that by and with all fair and friendly correspondency with the natives, further discoveries, possession, and population in conveniency of time as may appear by ancient records. For king Edward the VIth employed † John Cabot, the Son of the said Sebastian Cabot, for this northern Discovery; and upon his return, for the reward of his pains, conferred the Honor of Knighthood upon him, and made him pilot major. And in the reign of Queen Elizabeth of famous memory that generous knight, Sir Humphry Gilbert, and, after him in the same queen's Reign that renowned and well knowing Knight Sir Walter Raleigh, who settled the first colony in these parts of America, and that before any other of the nations of Europe, the two last kings were so careful for the maintaining the English right, that they confirmed general patents (to several of their subjects, as well of the nobility as other undertakers, for several latitudes of Land, for their settling of Colonies therein, and further populating these parts, and for the better effecting whereof and reducing these our wild brethren to a knowledge of Christ, and advancing the plantation

* This should have been *John Cabot*.

† *Sebastian Cabot* the Person employed by Edward VIth was the *Son of John*.

called Virginia) from the maiden queen ; divers of the Nobility of England, with several of the gentry, merchants and others, were incorporated into a body, called the Virginia company, and that before the name of a West India company was known in Holland, and the which has cost England more than a million of money. And as the English nation has the best general right of all the nations in Europe to these northern parts of America, and that grounded upon the Law of nature and nations ; so they can shew the best evidence in their great Improvements thereof almost to the world's wonder, especially in these parts called New England, lying between forty and forty eight degrees of northerly latitude.

And as by virtue of the said general right they have a particular, so they may purchase what lands they please in any part thereof, either by many or few, more, or one, always provided they give and yield an obedient acknowledgment and subordination subjection to the general laws of their nation and mother commonwealth ; and in case any shall wilfully and knowingly do otherwise, by putting themselves and lands so purchased as subjects and subject to another state, they are in a degree as guilty, as he or they, that shall in England acknowledge subjection to a foreign state.

Thus as the general and particular rights of the English to these northern parts of America, are as plainly and perspicuously laid down ; so upon a due examination it will be found, that the Dutch have no right at all either in the general or particular, but have intruded into and anticipated the English in their rights, and that at first by a violent usurpation and force upon the native Indians ; but whether it was by particular men, or the public approbation of their state, is questionable ; but of the two I rather conceive it was by particulars, my Reasons being ;

That in case the first ground of the grant of charter from their states to their West India company, and under whose patronage the Dutch plantation of Manhataas is now settled, be well and truly examined, it will be found, that it was only for them to subdue and conquer what they could in America, and that as from an Enemy the King of Spain ; for, as I am credibly informed, the present Dutch Governor, in many of his public writings, terms the Dutch plantation there a conquest, or the West India company's conquest, and the which if so, it would be demanded from whom conquered.

My second reason is, that the Dutch plantations, now by them called the Netherlands, have not been commonly so called and known, until of very late years, but was better known and commonly called by them the New Virginia, as a place dependent upon or a relative to the Old Virginia. And as there is in that an acknowledgment of English right, so I conceive it to be true, which is commonly reported, that by the permission of king James they had granted from him to their states only a certain island, called therefore by them States Island, as a watery place for their West India

fleets ; although as they have incroached upon, so they have given it a new Dutch name, wiping out the old English names in those parts in America in their old Sea-Charts, and have new Dutchified them.

Thus according to my duty to my country and countrymen, and according to that portion of my weak understanding, I have briefly demonstrated the English rights to these parts of America ; although more knowing men are better able to vindicate the same, Yet nevertheless I hope it will be friendly received, it being with a real intention only of informing my countrymen, that are ignorant thereof in these parts, of their just rights thereunto, and of their great error in subjecting themselves and lands to a foreign state. And do therefore lovingly advise them, especially the English towns upon the westward parts of Long Island, or any other of the English nation, that do intend to settle down in towns and colonies, to be very cautious of making themselves guilty either of ignorant or wilful betraying the rights of their nations, by their subjecting themselves and lands to a foreign state.

EXTRACT *from the Treaty between* OLIVER CROMWELL, *and* CHARLES
GUSTAVUS *King of SWEDEN, Done at LONDON, Anno 1656.*

[Collection of Treaties, Vol. III. P. 171.]

IX. **A**S to the Commerce to be carried on in America, 'tis expressly provided by Law, that the Subjects of no Republick besides shall be impowered to trade there in common without a special Licence ; but if any of the Subjects of the most Serene King of Sweden, furnished with his recommendations, shall privately solicit such Licence of the Lord Protector to trade to any of those Colonies whatsoever, he will in this respect comply with the Desire of his most Serene Royal Majesty of Sweden, as far as the State of his Affairs and of the Republick will for that Time permit.

X. It shall be free for the Subjects of the most Serene King of Sweden, to fish and catch Herrings and other Fish in the Seas and on the Coasts which are in the Dominion of this Republick, provided the Ships employed in the Fishery don't exceed a Thousand in number : Nor while they are fishing shall they be any wayes hindered or molested ; nor shall any Charges be demanded on account of the Fishing by the Men of War of this Republick, nor by those who are commissioned privately to trade at their own Expence, nor by the fishing vessels on the Northern Coasts

Coasts of Britain, but all Persons shall be treated courteously and amiably, and shall be allowed even to dry their nets on the shore, and to purchase all necessary Provisions from the Inhabitants of those places at a fair Price.

COPY of a Letter from the General Court of the MASSACHUSETTS
to Mr. HOPKINS.

[Hutchinson's Original Papers.]

Much honoured Sir.

I AM required by our generall court to signify unto you, that they have not binn nor are without a due sence of the many singular expressions of your faithfull love to them, in your best endeavours to promote their affaires (which they have binn informed of) in your readines at all times to afford their late agent Mr. Winslow your best furtherance and assistance, as need required, though as hitherto they have not had the opportunity to returne you their gratefull acknowledgments, as you might before now justly have expected. But assure yoursele, deare Sir, however they have binn wanting in this respect, yett their best desires at the throne of grace have not binn wanting to emplore a rich recompence of reward on your head and heart as well as on many others whom the Lord hath stirred up to wish well to his exiled ones in these parts, and are not without hope the Lord will more and more encourage you according to the mercies you receive. Opportunity he puts into your hands whilst you are heere to be acting for him, who is and will be a rich paymaster in the end. Sir, our court understanding of your illness and the many imployments that are on you, have contented themselves in desiring, as opportunity shall present and as Capt. John Leveret whom they have now commissioned as their agent shall desire, your continued helpfulnes and assistance of him in promoting their affaires with his Highnes the Lord Protector and his honorable Councell, as neede shal be, whereof they hope you will have no cause to repent, not being willing farther to interrupt you in your weighty imployment, the prosperity whereof is the dayly prayers of,

Sir, Your obliged

and well-wishing friends,

November 1655.

EDWARD RAWSON, Secretary.

In the name and by the order of the General Court.

COPY

COPY of the General Court's Commission to Capt. JOHN LEVERETT,
Agent for them.

[Hutchinson's Original Papers.]

Locus Sigilli.

*The Generall Court of the Massachusetts in New England
assembled at Boston the 23 of November 1655.*

To our trustie and much honoured friend Captaine John Leverett

Jo. Endecott, **W**HEREAS this court hath chosen and appointed you to be
Gov. their agent in England during your abode there : You are
heeteby commissioned and impowered according to instructions heerwith given
unto you to appeare for us and acte in our behalfe in all matters of concernment to
us before his Highnes the Lord Protector of the Common Wealthes of England
Scotland and Ireland and his honourable Councill there. Given at Boston the day
and yeare above written. In testimonie whereof the seale of this colonie is heere-
unto affixed.

By the Court,

EDWARD RAWSON, Secretary.

The General Courts Instructions, &c.

Instructions to our trustie and much honoured friend Capt. John Leveret, chosen
and impowered by this Court as our Agent to present our desires to his Highnes
or Counsell of State in England, and to negotiate our affairs there as opportu-
nitie may afford or emergencie of occasions require, according to the ensuing
Instructions.

1. **Y**OU are desired to take the first convenient opportunitie to present the let-
ter from this Court (heerewith delivered) unto his Highnes. And upon
all occasions to let his Highnes understand how thankfullie we accept and at all tymes
readilie acknowledge his Highnes favour and clemencie towards us, and to assure
him

him of our reall and syncere affection towards his Highnes and readines upon all occasions to be serviceable unto him to the utmost of our power and abilitie.

2. You are also requested to informe his Highnes of a letter sent the last yeare to Mr. Winflow to be presented unto his Highnes, and that it is our humble desire to know if his highnes received it (a copy whereof we have heerewith delivered you) and diligently to observe what sence his Highnes shall be pleased (of himselfe) to expresse concerning the same.

3. That you also humbly desire on our behalfe that seeing our former agent is dead, and we have many enemies in the world, that all complaints made against us by one or other may take no place in his princely breast, but be suspended from all believe till we may have knowledge thereof and opportunitie to answer for ourselves.

4. If peace be concluded betwixt England and Erance, and the French fortes in these parts included therein, and that you finde a propensitie in his Highnes to gratifie New England with the same, that you improve your best interest and opportunitie for the obtayning thereof, provided they be free from charges and other ingagements.

5. You are further hereby desired humbly to move his highnes that this countrie may have the opportunitie to furnish his fleet at Jamaica with provisions of wheat, beef, pork, &c. to the value of ten or twelve thousand pounds per annum, for bills of exchange into England, according to his Highnes order, and to promote the settling of a magazine heere for supplying the West India fleete as occasion may require. And in this affaire, if you see cause or neede, you may improve the helpe of Mr. Peters, Mr. Hopkins, or any other friend of ours, and may ingage for the prices to our best advantage, or as they gave the last yeare.

6. If any complaint be made by Mr. Rigby concerning our clayme by virtue of our patent, as intrenching upon what he calls the province of Ligonias, you may for the present make the best answer you may, for the reasons exprest in our answer given Mr. Cleaves agent, a copie whereof we herewith deliver you, which if it satisfie not, you may crave libertie for our further answer.

By the Court,

Boston, 23d Nov. 1655.

EDWARD RAWSON, Secretary.

COPY

COPY of an Address to his Highness OLIVER CROMWELL.

[Hutchinson's Original Papers.]

May it Please your Highness,

A MIDST the thronge of important suiters and oppressing multitude of occasions of high concernment to accept of our most humble thankfull acknowledgement of your continued favours to us poor exiles in these utmost ends of the earth. We might account it no little disadvantage whilst others having nearer access to your highness, and thereby opportunitie to testifie their zeale for your service, that we by our distance should be disenabled from giving any other demonstration than an anniversary acknowledgement of our obligation, were it not that your owne goodnes under God were the fountaine whence all these streames of bountie have been derived unto us, whereby we are encouraged to hope as we have good cause to beseech for the continuance thereof: The want whereof would be most prejudiciall if not destructive to this colonie, when the endeavours of some may be to misinforme your highnes, by presenting complaints against us, we having none to intercede for us or truly to represent unto your highnes in our behalfe: The consideration whereof, were not God our gracious father in the Lord Jesus, would overwhelme us did not the assurance of your highnes clemency patience and singular affection support us; But that we might not seeme to be wanting in the defence of our owne innocencie, nor presume too far upon your highnes indulgence, we have desired our loving and honoured friend Capt. John Leveret to give your highnes a true account of all our actings wherein your highnes shall see cause to require satisfaction, not doubting but the clearing of our innocencie will be most acceptable to your highnes, being confident no impression to the contrarie will be received before we have had the opportunitie to vindicate the same from any aspersions that may occasionallie be cast upon us. We dare not presume further to detain your highnes from the care of your more weightie affaires, the prosperous successe whereof is the daily prayer of

Your highnes most humbly devoted servants,

J. ENDECOT, Gov.

R. BELLINGHAM, D. Gov.

COPY of a Letter from Mr. ROGER WILLIAMS *President of Providence Plantations, to the General Court of Magistrates and Deputies assembled at BOSTON.*

[Hutchinson's Original Papers.]

Providence, 15. 9mo. 55. (so called)

Much honoured Sirs,

IT is my humble and earnest petition unto God and you, that you may so be pleased to exercise command over your own spirits that you may not minde myfelfe nor the English of these parts (unworthy with myself of your eye) but only that face of equitie (English and Christian) which I humbly hope may appeare in these representations following.

First, May it please you to remember, that concerning the town of Warwick (in this colonie) there lies a suite of £.20000 dammages against you before his highnes and the lords of his councell, I doubt not if you so please, but that (as Mr. Winslow and myself had well nigh ordered it) some gentlemen from yourselves and some from Warwick deputed, may friendly and easily determine that affair betweene you.

Secondly, The Indians which pretend your name at Warwick and Pawtuxet and yet live as barbarously if not more than any in the country) please you to know their insolences upon ourselves and cattell (unto £.20 dammages per annum) are insufferable by English spirits; and please you to give credence that to all these they pretend your name and affirme that they dare not (for offending you) agree with us, nor come to rules of righteous neighbourhood, only they know you favour us not and therefore send us for redresse unto you.

Thirdly, concerning four English families at Pawtuxet, may it please you to remember that two controversies they have long (under your name) maintained with us to a constant obstrusing of all order and authoritie amongst us.

To our complaint about our lands they lately have profest a willingnes to arbitrate, but to obey his highnes authoritie in this charter they say, they dare not for your sakes, though they live not by your lawes, nor bear your charges nor ours, but evade both under colour of your authoritie.

Honoured Sirs, I cordially proffesse it before the most high, that I believe it, if not only they but ourselves and all the whole country, by joint consent, were subject to your government, it might be a rich mercy; but as things yet are, and since
it

it pleased first the parliament, and then the lord admirall and committee for foraigne plantations, and since the counsell of state, and lastly the lord protector and his counsell, to continue us as a distinct colonie, yea, and since it hath pleased yourselves by publick letters and references to us from your publick courts to owne the authoritie of his Highnes amongst us; be pleased to consider how unsuitable it is for yourselves (if these families at Pawtuxet plead truth) to be the obstructers of all orderly proceedings amongst us; for I humbly appeale to your owne wisdomes and experience how unlikely it is for a people to be compelled to order and common charges, when others in their bosoms are by such (seeming) partialitie exempted from both.

And therefore (lastly) be pleased to know, that there are (upon the point) but two families which are so obstructive and destructive to an equall proceeding of civill order amongst us; for one of these 4 families, Stephen Arnold, desires to be uniforme with us, a second Zacharie Rhodes, being in the way of dipping is (potentially) banished by you. Only W.m. Arnold and Wm. Carpenter (very far also in religion from you, if you knew all) they have some colour, yet in a late conference they all plead that all the obstacle is their offending of yourselves.

Fourthly, whereas (I humbly conceive) with the people of this colonie your commerce is as great as with any in the countrey, and our dangers (being a frontier people to the Barbarians) are greater than those of other colonies, and the ill consequences to yourselves would be not a few nor small, and to the whole land, were we first massacred or mastered by them. I pray your æqual and favourable reflection upon that your law which prohibits us to buy of you all meanes of our necessary defence of our lives and families (yea in this most bloody and massacring time.)

We are informed that tickets have rarely bene denied to any English of the country; yea the barbarians (tho' notorious in lyes) if they professe subjection, they are furnished: Only ourselves, by former and later denyall seem to be devoted to be the Indian shambles and massacres.

The barbarians all the land over are filled with artillerie and ammunition from the Dutch, openly and horridly, and from all the English over the country (by stealth) I know they abound so wonderfully, that their activitie and insolencie is grown so high, that they dayly consult and hope and threaten to render us slaves, as they long since (and now most horribly) have made the Dutch.

For myselfe (as through Gods goodness) I have refused the gaine of thousands by such a murderous trade, and think no law yet extant amongst yourselves or us secure enough against such a villainie; so am I loath to see so many hundreds (if not some thousands) in this colonie destroyed like fools and beasts without resistance: I grieve that so much blood should cry against yourselves, yea and I grieve that (at this instant by these ships) this cry and the premises should now trouble his high-

nes and his counsell. For the seasonable preventing of which is this humble address presented to your wisdom, by him who desires to be

Your unfeigned and faithful servant,

ROGER WILLIAMS,
of Providence plantations, president.

Hon. Sirs, Since my letter, it comes into my heart to pray your leave to add a word as to my selfe, viz. At my last returne from England I presented your then honoured governor, Mr. Bellingham, with an order of the lords of the counsell for my free taking ship or landing at your parts, unto which it pleased Mr. Bellingham to send me his assent in writing, I humbly crave the recording of it by yourselves, least forgetfullnes hereafter againe put me upon such distresses as, God knows, I suffered when I last past through your colonie to our native country.

*COPY of a Letter from PROVIDENCE Plantations to the General Court
of the MASSACHUSETTS.*

[Hutchinson's Original Papers.]

Providence, 12. 3. 56. (so called.)

MAY it please this much honoured assembly to remember that, as an officer and in the name of Providence Colonie, I presented you with our humble requests before winter, unto which not receaving answer I addressed my selfe this spring to your much honoured Governor, who was pleased to advise our sending of some of Providence to your assembly.

Honoured Sirs, our first request (in short) was and is, for your favourable consideration of the long and lamentable condition of the town of Warwick, which hath been thus. They are so dangerously and so vexatiously intermingled with the Barbarians, that I have long admired the wonderful power of God in restraining and preventing very great fires, of mutuall slaughters, breaking forth betweene them.

Your wisdoms know the inhumane insultations of these wild creatures, and you may be pleased also to imagine, that they have not bene sparing of your name as the patron

patron of all their wickednes against our English men, women and children, and catt-le to the yearly damage of 60, 80 and 100*l*.

The remedie is (under God) only your pleasure that Pumham shall come to an agreement with the towne or colonie, and that some convenient way and time be set for their removall.

And that your wisdomes may see just grounds for such your willingness, be pleased to be informed of a realitie of a solemn covenant betweene this town of Warwick and Pumham, unto which, notwithstanding that he pleads his being drawne to it by the awe of his superiour Sachims, yet I humbly offer that what was done was according to the law and tenour of the natives (I take it) in all New England and America, viz. that the inferior Sachims and subjects shall plant and remove at the pleasure of the highest and supreme Sachims, and I humbly conceive that it pleaseth the Most High and only Wise to make use of such a bond of authoritie over them, without which they could not long subsist in humane societies, in this wild condition wherein they are.

2. Please you not to be insensible of the slipperie and dangerous condition of this their intermingled cohabitation. I am humbly confident, that all the English towns and plantations in all New England put together suffer not such molestation from the natives as this one towne and people. It is so great and so oppressive that I have daily feared the tidings of some publicke fire and mischief.

3. Be pleased to review this copie from the lord admirall and that this English towne of Warwick should proceede, also that if any of yours were there planted they should by your authoritie be removed. And we humbly conceive that if the English (whose removes are difficult and chargeable) how much more these wild ones, who remove with little more trouble and damage than the wild beasts of the wilderness.

4. Please you to be informed that this small neck (wherein they keepe and mingle fields with the English) is a very den of wickednes, where they not only practice the horrid barbarisms of all kinds of whoredoms, idolatries and conjurations, but living without all exercise of actual authoritie, and getting store of liquors (to our griefe) there is a confluence and rendezvous of all the wildest and most licentious natives and practices of the whole country.

5. Beside satisfaction to Pumham and the former inhabitants of this neck, there is a competitour who must also be satisfied, another Sachim, one Nawwaslawfuck, who (living with Oufamaquin) layes claim to this place, and are at dayly fewd with Pumham (to my knowledge) about the title and lordship of it. Hostilitie is daily threatened.

Our second request concerns 2 or 3 English families at Pawtuxet who, before our charter, subjected themselves unto your jurisdiction. It is true, there are many grievances

grievances betweene many of the towne of Providence and them, and these I humbly conceive may best be ordered to be composed by reference.

But (2) we have formerly made our addressses and now doe for your prudent removall of this great and long obstruction to all due order and regular proceedings among us, viz. the refusall of these families (pretending your name) to conformance with us unto his highnes authoritie among us.

3. Your wisdomes experimentally know how apt men are to stumble at such an exemption from all duties and services, from all rates and charges either with yourselves or us.

4. This obstruction is so great and constant, that (without your prudent removall of it) it is impossible that either his Highnes or yourselves can expect such satisfaction and observance from us as we desire to render.

Lastly, as before, we promised satisfaction to the natives at Warwick (and shall all possible ways endeavour their content) so we humbly offer as to these our countrymen, First, as to grievances depending, that references may settle them. 2dly, For the future, the way will be open for their enjoyment of votes and privileges of choosing or being chosen to any office in towne or colonie.

Our third request is for your favourable leave to us to buy of your merchants fower or more barrells of powder yearely, with some convenient proportion of artillerie considering our hazardous frontier situation to these Barbarians, who from their abundant supply of armes from the Dutch (and perfidious English all the land over) are full of our artillerie, which hath rendered them exceedingly insolent, provoking and threatening, especially the inlanders which have their supply from the fort of Aurania. We have bene esteemed by some of you as your thornie hedge on this side of you: If so, yet an hedge to be maintained: If as out sentinells, yet not to be discouraged. And if there be a jealousy of the ill use of such a favour, please you to be assured that a credible person in each towne shall have the dispose and managing of such supplies according to the true intent and purpose.

For the obtaining of these our just and necessary petitions we have no inducement or hope from ourselves: only we pray you to remember that the matters prayed are no way dishonourable to yourselves and we humbly conceive do greatly promote the honour and pleasure of his highnes, yea of the Most High also, and lastly, such kindnesses will be obligations on us to studie to declare ourselves upon all occasions,

Your most humble and faithfull servants,

ROGER WILLIAMS, President.

In the name and by the appointment of Providence Colony.

Honoured

Honoured Gentlemen,

I pray your patience to one word relating to myfelfe only. Whereas, upon an order from the Lords of his Highnes Councell, for my future securitie in taking fhip and landing in your ports, it pleased your honoured then Governor Mr. Bellingham to obey that order under his owne hand. I now pray the confirmation of it from one word of this honoured court affembled.

COPY of a Letter from Mr. ROGER WILLIAMS to the General Court.

[Hutchinfon's Original Papers.]

Boston 17. 3. 56. (fo called.)

May it please this much honoured Affembly,

I Do humbly hope that your owne breasts and the publicke shall reap the fruit of your gentlenes and patience in thefe barbarous tranfactions, and I do cordially promise for myfelfe (and all I can perfwade with) to studie gratitude and faythfulnes to your service. I have debated with Pumham (and fome of the natives helping with me) who fhewed him the vexatious life he lives in, your great refpect and care toward him, by which he may abundantly mende himfelfe and be united in fome convenience unto their neighbourhood and your service: But I humbly conceave in his cafe that *dies et quies fanant hominem*, and he muft have fome longer breathing for he tells me that the appearance of this competitour Nawwushawfuck had ftabd him: May you therefore please to grant him and me fome longer time of conference, either until your next generall affembling, or longer at your pleafures.

My other requests I fhall not be importune to preffe on your great affaires, but fhall make my addrefse unto your fecretarie to receave by him your pleafure.

Honoured Gentlemen,

Your humble and thankfull fervant,

R. W.

TRA-

TRADUCTION *informe de la concession faite par Cromwel aux sieurs
Charles de Saint-Etienne, qualifié Baron d'Écosse, Crowne et Temple,
du 9 août 1656.*

[Mémoires de L'Amerique, Tom. II. P. 511.]

OLIVIER, Seigneur, Protecteur de la République d'Angleterre, d'Ecosse et d'Irlande des dominations en dépendans : A tous ceux qui ces présentes verront, Salut. Sachez que nous, et par l'avis de notre Conseil, dans la poursuite de certains articles accordés in date du 16.^e jour de juillet dernier, avant la date des présentes, faite entre nous, d'une part, et le seigneur Charles de Saint-Etienne, sieur de la Tour, baron d'Ecosse, Thomas Temple et Guillaume Crowne, Chevaliers, d'autre part ; et pour diverses autres causes et considérations, Nous insistant à ce faire de notre spéciale grace et certaine science et pure volonté, avons donné et octroyé par ces présentes, pour nous et nos successeurs, donnons et octroyons auxdits sieurs Charles de Saint-Etienne sieur de la Tour, Thomas Temple et Guillaume Crowne, tous et chacun les terres et héritages dans l'Amerique, ci-après déclarés et limités ; savoir, LE PAYS ET TERRITOIRE appelé L'ACADIE, ET PARTIE DU PAYS nommé la NOUVELLE E'COSSE, depuis Merliguesche du côté de l'est, jusqu'au port & cap de la Hève, rangeant les côtes de la mer jusqu'au cap de Sable, et de là, jusqu'à un certain port appelé le port la Tour, & à présent nommé le port l'Esmeron ; et de là, rangeant les côtes et îles jusqu' au cap Fourchu ; et de là jusqu' au cap et rivière Saint-Marie, rangeant les côtes de la mer jusqu'au Port Royal ; et de là, rangeant les côtes jusqu'au fond de la Baie ; et de là, rangeant ladite Baie jusqu'au fort Saint Jean ; & de là, rangeant toute la côte jusqu'à Pentagoet et rivière Saint-George dans Mescourus, situé sur les confins de la Nouvelle Angleterre du côté de l'ouest et en dedans les terres tout le long desdites côtes jusqu'à cent lieues de profondeur, et plus avant, jusqu'à la première habitation faite par les Flamans ou Francois, ou par les Anglois de le Nouvelle Angleterre : et toutes et chacunes les terres, îles, mers et rivières, lacs, forts, et fortresses, bois et taillis, et tous lieux de pêcheirie, et tout ce qui est juridiction de l'Amirauté dans ladite étendue et toute autre semblable ; comme aussi juridiction royale, privilèges franchises et libertés dans lesdites limites, et l'espace de treize lieues au dedans de la mer le long desdites côtes susdites, confinant à la colonie de la baie de Massachusset en la Nouvelle Angleterre, ou quelque autre colonie ou habitation dudit pays de la Nouvelle Angleterre, conformément à ce qu'elles sont à présent, ou seront formées ci-après,

après, comme il se justifiera leur avoir été octroyé par quelques lettres patentes ; et tous les forts, maisons, bâtimens et autres constructions en dependans, et tous les fruits et profits, avantages et émolumens, lesquels de temps en temps en échoiront et proviendront dudit pays, territoires, terres, isles, mers, rivières, lacs et autres choses en dépendant, excepté néanmoins ce qui est hors de la présente concession ; toujours excepté et réservé toutes les terres et territoires dans lesdites limites, qui pourront avoir été ci-devant concédés et octroyés à quelqu'autre, en cas qu'il s'en trouve avoir été concédé à quelqu'autre colonie ou habitans en la Nouvelle Angleterre, lesquels nous exceptons, tant pour nous que pour nos successeurs, et réservons ; comme aussi toutes mines et minières qui sont dans ladite terre ou dessus, déjà trouvées ou qui se pourront trouver ci-après, ou partie d'icelles déjà connues ou à connoître, et tout ce qui peut croître et accroître en tout ou partie ; d'avoir et tenir en tout ou partie dudit pays, territoires, forts, maisons, bâtimens et autres constructions, toutes et chacune généralement quelconque par celles-ci octroyées et mentionnées ; excepté ce que nous avons déjà ci-dessus excepté, audit Charles de Saint-Etienne, sieur de la Tour, Thomas Temple et Guillaume Crowne, leurs héritiers et successeurs pour toujours, rendant pour cela tous les ans à nous et à nos successeurs vingt peaux de castor, et vingt peaux desouret le vingt-neuvième de septembre annuellement, qui commencera dans l'an de notre Seigneur 1657. Et notre volonté et plaisir est, par celle-ci que nous octroyons pour nous et nos successeurs, audit Saint-Etienne, Temple et Crowne, leurs héritiers et successeurs, lesquels pourront de temps en temps, et en tout temps ci-après, depuis et après la date de nos présentes lettres patentes, jouir à leur propre usage des fruits et profits, avantages et émolumens, qui échoiront ou pourront échoir audit pays, terres et territoires, isles, mers, rivières, lacs, et autres généralement quelconques ci-dessus nommés ; et à cette fin que ledit de Saint-Etienne, Temple et Crowne, leurs héritiers et successeurs puissent avoir et prendre le profit ; Nous entendons par cette notre présente concession, de notre plus grand grace et pure volonté, et de l'avis de notre Conseil susdit, commandons et défendons pour nous et nos successeurs, étroitement à toutes et chacune les personnes ou personne de quelque état, qualité et condition qu'ils soient ou puissent être, que lui ou eux ou quelques-uns d'eux ne puissent traiter ou s'admettre de traiter et négocier avec les Natifs, ou autres qui y demeurent et négocient avec les Sauvages dans ledit pays, territoire et limites de ladite concession sans le congé et consentement desdits Saint-Etienne, Temple et Crowne, leurs héritiers et successeurs, et sans avoir au préalable leur consentement par écrit de leur main ; et en cas que quelque personne ou personnes entreprennent de traiter ou trafiquer dans ladite concession et limites susdites, ou en quelque endroit d'icelles sans leur consentement susdit, il sera réputé de bonne et loyale prise par lesdits Saint-Etienne, Temple et Crowne, leurs héritiers et successeurs, commis ou députés à cet effet ; permettons de faire saisir tous navires,

barques ou bateaux qui seront trouvés traitant avec les Natifs, comme dit est ci-dessus, ou qui seront trouvés traitant ou venant traiter avec eux et pareillement tout ce qui y fera ou pourra être de bonne et loyale prise, pour et au profits desdits de Saint-E'tienne, Temple et Crowne, leurs héritiers et successeurs ; et a cet effet pourront aussi saisir toutes les marchandises que lesdits navires barques ou bateaux apporteront pour traiter, ou marchandises déjà traitées ; et lesdits navires, barques, bateaux et marchandises, ainsi par eux, leurs héritiers ou successeurs saisis comme dit est, être convertis à leur propre usage et profit ; sans être obligés d'en rendre compte, ni que lesdits de Saint-E'tienne, Temple et Crowne, leurs héritiers ou successeurs, députés ou serviteurs, soient tenus en rendre compte devant aucuns de la Nouvelle Angleterre, ou dans aucune autre de nos dominations ou de celles de nos successeurs, pour raisons de semblables prises faites par eux ou aucuns d'eux, de temps en temps, et en tout temps ; néanmoins lesdits Charles de Saint-E'tienne sieur de la Tour, Thomas Temple et Guillaume Crowne, pour eux et chacun d'eux, héritiers ou successeurs, ont promis et accordé, accordent et promettent à nous et nos successeurs, par ces présentes, qu'eux ou chacun d'eux ne feront ni ne voudront ordonner, constituer, députer ou faire aucuns Gouverneur ou Gouverneurs de quelques garnisons, forts ou forteresses déjà faits, érigés ou qui se feront ou érigeront dans ledit pays et territoires de ladite concession susdite, autre que telle personne ou personnes qui nous seront et à nos successeurs présentes, et par nous agréés et approuvés ; lequel Gouverneur ou Gouverneurs qui seront ainsi par nous agréés, ne prendront pas sur eux la charge du commandement de la garnison, forts ou forteresses, sans avoir reçu de nous notre commission ou provision sous le seing privé et cachet ou grand sceau d'Angleterre, si ce n'est en cas de mort ; en ce cas nous donnons et octroyons par celle-ci, pour nous et nos successeurs auxdits sieurs de Saint-E'tienne, Temple et Crowne, leurs héritiers ou successeurs, qu'en cas d'accident de mort au Gouverneur qui y sera constitué, comme dit est, que pour lors, pour éviter mutinerie ou autre inconvénient qui pourront arriver par le manquement d'un Gouverneur, il sera et pourra être loisible auxdits sieurs de Saint-E'tienne, Temple et Crowne, leurs héritiers et successeurs, de nommer, ordonner et appointer une autre personne suffisante et capable d'un emploi militaire, et de le charger du pouvoir et commandement de ladite garnison, forts et forteresses, à condition néanmoins que lesdits de Saint-E'tienne, Temple et Crowne seront agréer et approuver de nous ou nos successeurs, celui qu'ils auront établi, dans douze mois après qu'ils l'auront institué ; et ou il ne nous seroit pas agréable ; de recevoir celui ou ceux qui seront par nous ou nos successeurs nommés députés ou envoyés en vertu de notre susdite commission : Et par celle-ci nous voulons et requérons pour nous et nos successeurs, étroitement commandons que les Gouverneurs qui seront nommés de temps en temps, comme il est dit, ne puissent, ni aucuns Officiers ou soldats sous leur

leur commandement, traiter ni négocier ni s'entremettre de faire commerce ou trafic dans l'étendue de ladite concession, sans la permission et consentement par écrit de la main et cachet desdits Saint-E'tienne, Temple et Crowne, leurs héritiers ou successeurs, sous peine de confiscation et du triple de la valeur de leurs marchandises, et autres effets pour lesquels ils s'entremettront ou entreprendront, au profit desdits de Saint-E'tienne, Temple et Crowne, leurs héritiers ou successeurs ; et encore sous peine d'encourir, selon le cas, plus grande punition : Et notre volonté et plaisir est que ledit sieur Charles de Saint-E'tienne, Thomas Temple et Guillaume Crowne, pour eux et chacun d'eux, leurs héritiers et successeurs, ont promis et promettent à nous et à nos successeurs, par ces présentes, qu'aucun soldat ne fera souffrir de demuerer dans aucuns desdits forts, ni aucunes personnes d'habiter ou demeurer dans le pays spécifié par ces présentes, que ceux qui sont et seront de la Religion protestante, & se soumettront au gouvernement établi en cette République ; et feront pareillement tenus de nous servir et nos successeurs, en tous les commandemens qui leur seront donnés et faits de notre parte ; et lesdits sieurs de Saint-E'tienne, Temple et Crowne, leurs héritiers et successeurs, feront favoir à nous et à nos successeurs ou aux Seigneurs de notre Conseil privé, toutes les mines et minéraux qui seront trouvés et découverts dans ladite concession, par un avis ample et prompt, lorsqu'ils les auront trouvés et découverts, afin que tout ordre et direction se puissent donner à cet effet, comme nous et nos successeurs ou notre Conseil l'ordonneront ; et pour y mieux encourager lesdits sieur de Saint-E'tienne, Temple et Crowne, leurs héritiers et successeurs, nous leur octroyons pour nous et nos successeurs, et chacun d'eux, de temps en temps, et en tout temps, d'être dorénavant exempts et déchargés, de tous droits et impositions de toutes sortes de marchandises dans ledit pays et territoire susdits, comme pays franc et libre, autant qu'aucunes colonies peuvent l'être, nonobstant quelques privilèges ou autres usages que ce puisse être. Ainsi est notre volonté et plaisir ; et en témoignage de tout ce que dessus, nous avons fait faire ces présentes lettres patentes, où nous avons été présents. A Westminster, le neuvième jour d'août mil six cent cinquante-six.

Nous E'cuyer, Conseiller du Roi honoraire en la Cour des comptes, aides et finances de Rouen, premier Commis et Garde des archives et dépôt de la Marine, certifions la copie ci-dessus véritable, l'ayant collationnée sur les registres et papiers qui sont auxdits archives et dépôt. A Paris, le sept Octobre mil sept cent cinquante-un.

Mr. R. BENNET and Mr. MATTHEW to Secretary THURLOW.

[Thurloe's State Papers, Vol. V. Page, 482.]

S I R,

SINCE our last application to your honour, we hear that the committee of trade have delivered in their report to his highness; but you may be pleased to take notice that nothing is either said or done by them concerning the Virginia petition, which relates very materially to the business of Maryland, especially in that particular of the bounds by them claimed. And whereas something is offered by the committee, as the agreement of the lord Baltimore and us, it is true, that upon a motion of the committee something was proposed by us, and answered by him to that purpose, that if his highness should think fit to re-establish the lord Baltimore in the government, and to issue out all writs and processes in his own name, that then some provision to be made for the indemnity of the people there in relation to the reduction, that so the lives and estates of his highness's good subjects might not be left to the mercy of the lord Baltimore and his party there, merely for their submission and engagement to the Parliament and to his highness.

But we humbly conceive and hope, that there is and will appear to be so much of reason and justice, and so much of his highness's interest recited and expressed in the paper inclosed, that there will be sufficient cause for his highness to dispose of the government of Maryland (in case it belong not to Virginia) otherwise than to put it into the hands of such a one, who, if once confirmed, will undoubtedly be as ready to fight and oppose the authority of his highness as ever he was to fight and oppose the authority of the parliament, which he hath manifestly and boldly done, and that with a very high hand.

Sir, your former propenseness to take cognizance of this business makes us presume thus to trouble you, and it being such public concernment in relation to his highness's interest and the good of those profitable plantations, and dispatch of this long tedious dispute, that so those plantations may be settled under the present government, and that we may return to our relations and occasions, from which we have been so long detained.

Your honour's most humble servants,

October the 10th, 1656.

SAMUEL MATHEW,

RICHARD BENNET.

OBJECTIONS

OBJECTIONS *against Lord BALTIMORE's Patent, and Reasons why the Government of MARYLAND should not be put in his Hands, viz.*

[Thurloe's State Papers, Vol. V. Page 482. A. D. 1656.]

1. **B**Y the Patent he was to have no land, but such as was uncultivated and inhabited by Pagans only; but Maryland was inhabited, and part of it possessed and cultivated by the English in Virginia, viz.—the Isle of Kent; and that long before the name of Maryland was ever heard of.

2. By the Patent it is provided, that he make laws with the advice and consent of the Inhabitants and freemen; and by the practice of the lord Baltimore and his officers there, the people have no law but what he allows and consents unto.

3. He is enjoined to make laws agreeable to the laws of England; but several of the laws made there were different from and disagreeable to the laws here, as appears by the report of the committee of the navy.

4. By the patent it is provided, that no construction be made thereof, whereby God's holy and truly Christian Religion, or the heirs and successors of the Crown of England should receive any prejudice or diminution.

As to religion, the Governor and all those of the council in Maryland are bound by oath to defend and maintain the Roman Catholic religion in the free exercise thereof. And as to the heirs and successors of the Crown of England, it seems they have nothing to do there; for when the late council of state by authority of parliament required them to issue out writs in the name of the keepers of the liberty of England, and to put the laws of England in execution, they answered, they could not do it without breach of their trust and oath to the lord Baltimore, in reference to his commission from the late king; therein preferring the King's authority, which died with him, and lifting it up above that of the parliament, the only visible power at that time in being.

5. Upon this occasion the commissioners, in pursuance of their instructions from the late council of state by the authority of parliament, in March 1652, took away the government from my lord Baltimore and his officers there, and did actually reduce and settle the Province of Maryland in the hands of the parliament, according to an act of parliament of the 3d of October 1650; and then in 1654, upon their revolt, it was again reduced and settled in the name and under the authority of his highness the lord protector, and confirmed by a full and free assembly of that province October, 1654.

6. The Government there being now no more in the Lord Baltimore, but in the Parliament first, and then in the hands of his highness, and the acting of the commissioners therein being owned and approved by the late council of state, and also by his highness in his letter of the 8th of October, 1655, to the governor of Virginia; the said lord Baltimore, in opposition and contempt of the Supreme authority of this nation, by his instructions caused captain Stone and others, to the number of 200 or thereabouts, to rise up in arms against the government so settled there aforesaid; which said captain Stone, and all the rest, after they had committed many and great outrages, in disarming, plundering, and imprisoning those that adhere to his highness's government, and to their engagement and duty in that behalf, were in a field battle overcome, some slain, and all the rest taken prisoners. And so the said lord Baltimore choosing rather to adventure his title that way, than to wait the determination of the Supreme authority here, lost it upon that account as well as by the reduction; in both which respects the government of that province is now in his highness the lord protector's disposal.

And it is humbly conceived, that his highness will not think fit to re-establish the lord Baltimore in such an absolute and unlimited power as he pretends there, for the considerations, and for these further reasons, viz.

1. In respect of the dissatisfaction and malignancy of the said lord Baltimore and his governors from time to time against the parliament and their interest; namely, several commissions gotten from the king at Oxford, taking captain Ingle's ship, and tampering with the seamen, to carry her for Bristol, which was then in the King's hands, proclaiming Charles II, &c.

2. In respect of the many petitions and complaints of the inhabitants of Virginia and Maryland against a popish monarchical government, so contrary unto, and so inconsistent with his highness's interest and the liberty and freedom of his subjects; it being also contrary to the known laws of this land, and particularly of the instrument or platform of government.

3. In order to the peace and the common good of those plantations, which mainly consist in uniting and keeping them under one government; whereby dissensions, quarrels, and cutting of throats, likely continually to arise between such near neighbouring plantations, will be prevented, his highness's authority and interest established, trade encouraged, the excessive planting of tobacco restrained, so making way for more staple commodities, as silk, &c. to be raised; the running away of delinquents and persons indebted from one place to another taken off, and the whole strength * the common enemy the Indian, or any other enemy, the more readily conjoined

* This Mark is found in the printed Copy from which this is taken; perhaps the Word *again* many be wanting here.

conjoined upon all occasions; besides that old, great, sad complaint of seducing of poor ignorant Protestants, and Papists to bear rule over the freeborn subjects of this nation, will be likely hereby in some measure to be taken off, and yet those of the popish persuasion not debarred of any lawful liberty and freedom, either in relation to civil things, or the exercise of their conscience.

RIC. BENNET.

SAMUEL MATHEW.

A PAPER *relating to* MARYLAND.

[Thurloe's State Papers, Vol. V. Page 483. A. D. 1656.]

As to those specious pretences of the lord Baltimore of a protestant government being always well affected to the parliament, so much money expended upon that plantation.

WE humbly conceive, that the contrary hath been showed and proved in divers and fundry particulars; but if it were so, yet it being before the reducement, and the consequences thereof as to Government (which is that only wherein we are concerned) it belongs not to the matter in hand. For those objections against the report of the committee of the navy, we say, that the same was fully agreed on, and ordered by the committee; that it was accordingly read before the council of State the 26th of November, 1653, by them approved and appointed to be drawn up for the parliament, which was accordingly done, as hath been proved by Mr. Blackburne, and is ready to be further satisfied by col. Mathews and Mr. Wakeman, who were present at all the passages thereof.

To that of the lord Baltimore's patent from the king there are these objections; viz. 1. That the same is surreptitious, king James having passed the same by patent to the adventurers and planters of Virginia, and they actually possessed of the Isle of Kent long before, and the lord Baltimore's patent was only for uncultivated places, such as were not inhabited by any but Pagans.

2. As being an exorbitant grant to give away so great a part of the dominions to a private person, and one that never brought in any thing of profit at all, or not considerable, to the revenue here, by custom, excise, or any other way, especially since the change of government.

3. As being contrary to law to put the subjects of this commonwealth under the absolute

absolute and perpetual authority of a subject, and such a one, who as a papist is not capable of any office or authority relating to government.

4. In respect of the mal-administration and exercise of the power there in nine several particulars, expressed in the report of the committee of the navy, to which we shall add these two; viz.

1. Here is a power of making laws with the consent of the Inhabitants and free-men of the said province; but this liberty hath been denied the people, and the lower house (as he calls it) cut short of that power and privilege, and the people in danger of severe punishment for addressing their petitions and complaints to the supreme authority here proved by his own letters and their petitions, which have been produced. 2. Another clause in his patent is that no construction be made thereof, whereby God's holy and true Christian Religion, or the heirs and successors of the crown of England shall receive any prejudice or diminution. As for the holy and truly Christian Religion, if the Romish be it, that's indeed strongly provided for by the laws and officers oaths; and for the heirs and successors of the king, which undoubtedly must be the parliament and his highness the Lord Protector, what place their commands have taken in Maryland, and how their authority and those that declare themselves for it, have sped from time to time, is evident by that of capt. Ingle, the proceedings of the parliament's commissioners in that place, and the people's petitions.

5. And lastly, in respect of the parliament's ordinance of the 3d of October, 1650, by which all foreign plantations, as well as the rest of the three nations, were to be brought in and settled under the subjection and obedience of this commonwealth, and the present government thereof, notwithstanding any letters patents to the contrary; and Maryland was accordingly taken in, and the parliament actually possessed thereof by virtue of the said ordinance, as by an order of the parliament's commissioners, dated at St. Mary's in Maryland the 29th of March, 1652, renewed under his highness the Lord protector, by an order to that purpose, dated at Patuxent in Maryland, the 22d of July, 1654, and settled under his highness's authority by a free and full assembly of that province the 20th of October, 1654.

Concerning the lord Baltimore's being at Oxford and Bristol with the king, and his excuse thereof to recover a debt.

It hath been shewed and proved, that his work was to engage against the parliament, procuring a commission tending to the ruin of their Interest, and of all those that were well affected, their ships, goods, debts, money, &c. the one half whereof the lord Baltimore was to have for his great charges expended in that service; his brother, who was then governor of Maryland, the other half; by which it seems

Maryland

Maryland was not always well affected to the parliament, as is alledged; besides another commission procured and contracted for by the lord Baltimore himself, in his own name, concerning the customs in Virginia, which he was to receive under the king; but how many that never acted any thing in those places, were nevertheless sequestered and proceeded against as malignants. Whereas, it is said, that the committee for petitions in the time of the little parliament rejected the petition of col. Mathews concerning the lord Baltimore, it is not so; they were so far from slighting the same, that they looked upon it as too high for them, and therefore ordered the Business to be transmitted back again to the council of state, as more proper for their consideration, as by their order may appear.

Whereas the lord Baltimore alledges, that the council of state did not intend the reducing of Maryland, that the word Maryland was struck out of the commissions and instructions after it had been put in; and therefore the commissioners turned out his officers, and took away the government in Maryland without any lawful authority for their so doing; we say,

That the parliament did intend the reducing of all islands and plantations, notwithstanding any letters patents to the contrary, appears by the ordinance, concerning Bermudas, Virginia, and Antigua, which hath been produced; and that all accordingly have been reduced, and are under the obedience and authority of this commonwealth is apparent. And though it be not our work or duty to question or to dispute the parliament's intention, but to obey their commands, which we humbly conceive we have, yet that the council of state did intend the reducing of Maryland we conceive has been shewed and fully proved thus; viz.

1. Because they well knew it was within the bay of Chesapiack.
2. That they having received an account thereof from the commissioners, approved of what they had done, by sending over the same instructions under the seal the next year.
3. In the report drawn up for the parliament they plainly and expressly say the commissions were sent to Maryland.
4. His highness in his letter of the 8th of October last declares his pleasure, that no obstructions be made to what has been acted concerning the civil government in Maryland by the commissioners of the late council of state, in pursuance of their instructions. But if the parliament and council of state did indeed decline the reducing of Maryland, and several times express themselves to that purpose, as hath been often alledged; if they had been so clear in that particular, as hath been said, why then did they not declare themselves so? a line or two to that purpose in three years time surely might easily have been procured, which would have taken off further proceedings, nulled what had formerly passed, and prevented all the many and dangerous disturbances, mischiefs, and blood-shed, which hath been occasioned by lord

Baltimore's lifting up his own authority and particular interest, derived from the king, in opposition and defiance of the authority and interest of the parliament, and his highness the lord protector.

That it might be argued and disputed concerning the word Maryland, putting in and putting out, as is usual in such cases, is very likely; but the commission and instructions, it seems, were at least drawn up thus, and came so to the commissioners, who lived in Virginia, viz. You shall see the engagement tendered, cause all writs and processes to issue forth in the name of the keepers, &c. and put the laws of England in execution: and this to be done in all the plantations in the Bay of Chesapeake.

That the commissioners appointed for carrying on that service, as it doth not appear they expected or demanded more than what the parliament required, so they could do no less, the command being so positive, and the expression so plain and clear.

That the said commissioners coming to Maryland with the said commission and instructions, capt. Stone, governor under the lord Baltimore and his council, denied and refused to submit and to yield obedience to that authority, alledging the king's grant to the lord Baltimore, and their oaths to him, as by their letter of the 29th of March, 1652.

Now besides all other former demonstrations and expressions of their disaffection and disobedience in divers particulars proved, viz. taking capt. Ingle's ship, proclaiming Charles II. practising with the king at Oxford and Bristol against the parliament, &c. whether this only, their refusal to comply, were not a plain denial of the parliament's power, and preferring the king's before it, and consequently a full and sufficient occasion and ground, according to the instructions, for the commissioners to take away the government, being also so ill managed and so much complained of by many, yea, most of the people, and to put it into such hands as would own the parliament, and act according to their commands.

Hereupon the government being now taken away from the lord Baltimore, and settled in the hands of the parliament first, 1652; and then of his highness, 1654; capt. Stone and the rest having taken the engagement, and being thereby bound to be true and faithful to the commonwealth, as now established, and nothing appearing first or last from the supreme authority here to disengage him or any other there; how then could capt. Stone introduce the lord Baltimore's authority, as he did, and publish a proclamation in his name, 1653, enjoining all within three months to take an oath to maintain his power, dominion, &c. upon the penalty and forfeiture of their lands, which were to be entered upon and seized upon to his use? and how could the people take the same, being so inconsistent with, so contrary to their oath to the parliament, under whose authority they then actually were? and then

then whether those who kept to their engagement, and declared themselves for that against all other authority whatsoever, or else those, who falsely and perfidiously revolted from it, and deserted their duty and the trust committed to them, be in an error, and are justly to be blamed? Concerning the late insurrection and blood spilt on the 25th of March, 1655, it appears, and hath been proved, that capt. Stone being reproved by the lord Baltimore for resigning without striking a stroke, having so many men in arms, and the commission given to capt. Barber to reduce the people to the lord Baltimore, in case capt. Stone would not, the said capt. Stone was hereby stirred and induced to attempt the said insurrection and rebellion; in prosecution whereof, he the said capt. William Stone did levy war, and to that end forced his highness's subjects to take arms one against another, seized the records of the province, armed Papists and others, plundered, disarmed, and imprisoned all those that refused to join with him, chased capt. Gookins's Vessel, and fired several guns at her, broke into their houses in the night, so terrifying and affrighting the people, that many of them left their houses, and took to the woods for safety; threatened to fire the ship *Golden Lyon*, and to take away the lives of the chief in authority, who declared themselves for his highness's government according to their engagement and duty; this being acted in such a time, when the country was in peace and in a quiet settled condition, and carried on so fiercely, barbarously, and bloodily, refusing all offers of accomodation and messages to that purpose; shooting several guns at Mr. Richard Gott, railing at and reviling the people, calling them round-heads, rogues, dogs, &c. setting up the lord Baltimore's colours against the colours of the commonwealth, firing upon capt. Fuller and his party several guns without any parley, and killing Mr. William Ayres before any shot made on that side.

Lastly, that capt. William Fuller, &c. the country being in such a sad, distressed, distracted condition, and so deeply and desperately engaged, endangered, and likely to be ruined, through such a wicked and bloody insurrection and rebellion, having used all means that in them lay for the stopping thereof (the Indians also attending their motion, and falling on at or about the same time) having a lawful power, and being authorized and required to provide for conservation of the peace and administration of justice, and it being in his power, God having given those bloody people into their hands, whether it were not a duty incumbent upon them to do something in order to the peace of the country, by taking away some of the chief and most dangerous incendiaries, who otherwise were very likely to attempt the like another time; and in order to justice, that so many, who were found guilty of insurrection, rebellion robbery, burglary, and murder, should not all of them be suffered to escape, but some few of those many and great delinquents should suffer and be made examples. And for the manner of their proceedings by a council of war, being there in arms, and in a military posture and condition, and being enabled by the commissioners in-

structions from the council of state to raise an army, and use all acts of hostility to enforce obedience and conformity, there being no indifferent jury to be had, whether wise men and better lawyers, than can be supposed to be there, might not be likely to fall into such an error, if it were an error, all things well weighed and considered.

A BRIEF of the Proceedings of the Lord BALTIMORE and his Officers and Compliers in MARYLAND against the Authority of the Parliament of the Commonwealth of ENGLAND, and against his Highness the Lord Protector's Authority, Laws, and Government.

[Thurloe's State Papers, Vol. V. P. 486. A. D. 1656.]

THE province of Maryland, in that state wherein it stood under the lord Baltimore's Government, had more need of reducing than any English plantation in America, for these reasons, viz.

1. The covenant, laws, and platform of government established in England, declare the suppression and extirpation of popery, to which his highness oath tends; but the lord Baltimore's government declares and swears the upholding and countenancing thereof, both by the officers and people.

2. The lord Baltimore exercised an arbitrary and tyrannical government, undertook a princely jurisdiction, styles himself absolute lord and proprietor, constituted a privy council, most of papists, and the rest sworn thereto. This privy council must be the legislative power, that is to put in execution such laws, the laws which the lord Baltimore himself makes and imposeth; and he makes what laws he pleaseth. The people are indeed called to assemblies, but have neither legislative power nor of judicature, that being appropriated to the privy council or upper-house, so that what is determined by them, admits of no reference or appeal.

3. The lord Baltimore's grants of land are made, to the end that the grantees might be the better enabled to do him and his heirs all acceptable Service, for the tenure is for all service, to which they must all swear, before they have any grants, without any relation to, or mention of the supreme authority of England, either in this or any thing else that passeth there.

4. That the lord Baltimore issued Writs and all other process whatsoever in his own name.

5. Charles Stewart, son to the late King, was in Maryland proclaimed king of England,

England, &c. against which no act, order, or proclamation hath been published by the lord Baltimore or his officers; for although Mr. Greene who made the said proclamation, was put out of the Government, yet that action was not mentioned to be the cause, but other matters against the lord Baltimore.

6. That there was a notable practice and compliance of the lord Baltimore, and his party with the late king's party in Virginia, against the parliament and their Ships, the said lord Baltimore having gotten commission from the king at Oxford to seize and take the ships and goods of all such as would not pay the customs there, which the lord Baltimore was to receive, and undertook to put in execution; but failed thereof through the country's non-compliance; which had it took effect as he designed, would have engaged the country in a war against the parliament, to the apparent ruin and destruction of that plantation, besides the exceeding great damage and loss to the state here, in point of revenue by custom, excise, &c. the hindering of trade and navigation, loss of ships and goods to the merchants, and strengthening of the king's party.

Since the reduction of the province under the obedience of the commonwealth of England:

1. That the lord Baltimore hath utterly disowned and contradicted the said reduction (though acted by commission and instructions from the council of state by authority of parliament, by the commissioners appointed, and the ships sent over for that purpose) terming it rebellion against himself and his government there, scandalizing and abusing the commissioners of the commonwealth of England with the opprobrious names of factious, seditious, malicious and rebellious persons, that they should stir up the people to sedition and rebellion, and were the abettors thereof.

2. That the lord Baltimore hath from time to time instigated and animated his officers to oppose and act contrary to the said reduction, as well by force of arms as otherwise, commanding them to apprehend the state's commissioners and their complices, as rebels to him, and deal with them accordingly; requiring his officers to proceed in his own way of government, and to carry all in his name as before, notwithstanding any thing done by the said commissioners; and to undertake to justify them in such their proceedings, and to bear them out in it.

3. The lord Baltimore in his last letter to capt. Stone doth blame him for resigning up his government into the hands of the lord protector and commonwealth of England, without striking one stroke; taxing him in effect with cowardice, that having so many men in arms, he would not oppose, saying, that Bennet and Claiborn durst as well have been hanged, as have opposed him; or to that effect.

4. That in the last rebellion against his highness the lord protector and commonwealth of England, and the government established in Maryland by their authority, the said lord Baltimore and his officers have in high measure abused the name of

lord

lord protector, and under that notion have committed many notorious robberies and murders against peaceable and loyal subjects of the commonwealth of England and his highness the lord protector; and to this end raised men in arms, conferring honours upon base and bloody-minded people, as well Papists as others, and employed them in a violent and formidable manner in battle array, with lord Baltimore's colours displayed, to fight against the lord protector's Government and people, yea to shoot against his highness's colours, killing the ensign-bearer; by which means much blood hath been shed, many made widows and fatherless, and great damage, danger, and distress brought upon the whole province. The Indians likewise taking occasion and advantage hereby to fall upon the frontier plantations, have killed two men, and taken some prisoners.

Before the alteration of the government here in England,

The lord Baltimore obtained a patent from the king for a tract of land in the Bay of Chefapiak in Virginia, pretending the same to be unplanted; by this means takes away the lands from the Virginians, to whom the same of right belongs, and not only so, but takes away the trade with the nations which they had many years enjoyed; and not being able to manage the trade himself, left it to the Swedes and Dutch, who furnished the Indians with powder, shot, and guns, to the great damage and danger of those plantations, and his highness's subjects; and further most unjustly and cruelly diseised capt. Claiborn and others of the island called Kent, though seated and peopled under the Virginian government three or four years before the king's grant to him; and not the land only, but the estates and lives too of such as opposed him or his officers, hanging some, and killing others, who sought the preservation of their rights and interests from popish violence. Such a beginning had that poor unhappy plantation, being founded upon the rights and labours of other men, and begun in bloodshed, robbery, and all manner of cruelty.

MASSACHUSETTS *Law against Quakers.*

[Massachusetts Records.]

October 14, 1656.

WHEREAS there is a cursed sect of hereticks lately risen up in the world which are commonly called quakers who take upon them to be immediately sent of God and infallibly assisted by the spirit to speak and write blasphemous opinions, despising government and the order of God in church and commonwealth, speaking

speaking evil of dignities, reproaching and reviling magistrates and ministers, seeking to turn the people from the faith, and gain proselytes to their pernicious ways; this court taking into serious consideration the premises, and to prevent the like mischief as by their means is wrought in our native land, doth hereby order, and by the authority of this court be it enacted and ordered, that what master or commander of any ship, bark, pinnace catch or of any other vessell that shall henceforth bring into any harbour creek or cove within this jurisdiction any known quaker or quakers, or any other blasphemous hereticks as aforesaid, shall pay or cause to be paid the fine of one hundred pounds to the treasurer of the county, except it appear that he wanted true knowledge or information of their being such, and in that case he hath liberty to clear himself by his oath when sufficient proof to the contrary is wanting, and for default of payment or good security for it shall be committed to prison, and there to continue till the said sum be satisfied to the treasurer as aforesaid. And the commander of any such ship or vessell that shall bring them (being legally convicted) shall give in sufficient security to the governour or any one or more of the magistrates who have power to determine the same, to carry them back to the place whence he brought them, and on his refusal so to do, the governour or one or more of the magistrates are hereby impowered to issue out his or their warrants to commit such master or commander to prison there to continue till he shall give in sufficient security to the content of the governour or any of the magistrates as aforesaid. And it is hereby further ordered and enacted, that what quaker soever shall arrive in this country from foreign parts or come into this jurisdiction from any parts adjacent shall be forthwith committed to the house of correction, and at their entrance to be severely whipt and by the master thereof be kept constantly to work and none suffered to converse or speak with them during the time of their imprisonment which shall be no longer than necessity requireth. And further it is ordered if any person shall knowingly import into any harbour of this jurisdiction any quakers books or writings concerning their devilish opinions shall pay for every such book or writing being legally proved against him or them the sum of five pounds. And whosoever shall disperse or conceal any such book or writing and it be found with him or her or in his or her house and shall not immediately deliver in the same to the next magistrate shall forfeit and pay five pounds for the dispersing or concealing of every such book or writing. And it is hereby further enacted that if any person within the colony shall take upon them to defend the heretical opinions of the said quakers or any of their books or papers aforesaid *ex animo*, if legally proved shall be fined for the first time forty shillings; if they shall persist in the same, and shall so again defend it the second time, four pounds; if still notwithstanding they shall again defend and maintain the said quakers heretical opinions they shall be committed to the house of correction till there be convenient passage for them to be sent out

out of the land being sentenced by the court of assistants to banishment. Lastly it is hereby ordered that what person or persons foever shall revile the office or person of magistrates or ministers as is usual with the quakers such person or persons shall be severely whipt or pay the sum of five pounds. This order was published 21. 8mo. 56 in several places of Boston by beat of drum.

THE ASSEMBLY of VIRGINIA to Secretary THURLOE.

[Thurloe's State Papers, Vol. V. Page 497. A. D. 1656.]

Right Honourable,

THOUGH we are persons so remote from you, yet we have had so honourable a character of your-worth, that we cannot make a second choice, without erring, of one so fit and proper as yourself, by whom to make our address to his highness the lord protector: our desires we have entrusted to this worthy gentleman, Mr. Diggs, our late governor. We shall desire that you will please to give him access to you, and by your means to his highness. And as we promise you will find nothing but worth in him, so we are confident he will undertake for us, that we are a people not altogether ungrateful, but will shortly find a nearer way then by saying foe, to expresse realleie, how much we esteem the honour of your patronage, which is both the hopes and ambition of

Your very humble,

and then most obliged Servants,

The Assemblie of Virginia,
15th October 1656.

SAMUEL MATHEWES, Gov.

FRANCIS MORYSON, Speaker.

ACTS of Parliament respecting AMERICA passed between the Years 1640
and 1656.

[Hughes's Abridgement, Edit. 1657, Page 96.]

“ *Governours and Government of Islands in America.*

Nov. 2, 1643,

Ordeined by the Lords and Commons in Parliament.

I. **T**HAT Robert Earl of Warwick, be Governour and Lord High Admirall of all the Islands and other Plantations, inhabited, planted, or belonging unto any his Majesties, the King of *England's* Subjects, or which hereafter may be inhabited, planted, or belonging to them within the bounds, and upon the coasts of *America*.

II. That the Lords and others particularly named in the Ordinance, shall be Commissioners to joyne in Aid and Assistance of the said Earl, chief Governour and Admirall of the said Plantations, and shall have power from Time to Time to provide for, order, and dispose of all things, which they shall think most fit, and advantageous for the well governing, securing, strengthening and preserving of the sayd Plantations, and chiefly for the Advancement of the true Protestant Religion amongst the said Planters, Inhabitants, and the further enlarging and spreading of the Gospel of Christ, amongst those that yet remain there in great Blindness and Ignorance.

III. That the said Governour and Commissioners upon all weighty and important occasions which may concern the good and safety of the Planters, to call to their Advice and Assistance, other of the said Planters, Owners of Lands, or Inhabitants of the said Islands, and shall have power to send for, view, and make use of all Records, Books, and Papers, which may concern the said Plantations.

IV. That the said Earl, Governour in cheif, and the said Commissioners shall have power to nominate, appoint, and constitute, as such subordinate Commissioners, Councillors, Commanders, Officers, and Agents, as they shall think most fit and serviceable for the said Islands and Plantations : And upon death or other avoidance of the aforesaid chief Governour, and Admirall, or other the Commissioners before named, to appoint such other cheif Governour, or Commissioners in the roome and place of such as shall be void, as also to remove all such subordinate Governours and Officers as they shall judge fit.

V. That no subordinate Governours, Councillors, Commanders, Officers, Agents, Planters, or Inhabitants which now are resident in or upon the said Islands or Plantations, shall admit or receive any new Governours, Councillors, Commanders, Officers, or Agents whatsoever, but such as shall be allowed and approved of under the hands and seals of the aforesaid chief Governour and high Admirall, together with the hands and seals of the said Commissioners, or six of them, or under the hands of such as they shall authorize thereunto.

VI. That the chief Governour and Commissioners before mentioned, or the greater number of them, are authorized to assign, ratifie, and confirm so much of their aforementioned Authority and power, and in such manner, to such persons as they shall judge fit, for the better governing and preserving the said Plantations, and Islands, from open violence, and private distractions.

VII. That whosoever shall in obedience to this Ordinance, do or execute any Thing, shall by vertue hereof be saved harmless and indemnified."

Plantations in VIRGINIA and other Places of AMERICA..

January 23, 1646,

Ordained by the Lords and Commons in Parliament.

I. THAT all merchandize, Goods, and necessaries, which shall be for the sup-
portation, use and expence for the severall places in *Virginia, Bermudas, Barbados*,
shall and may be exported from this Kingdome, without paying any custome, Subsi-
die, taxation, or other imposition, or duty for the same, the duty of Excise except-
ed, during the space of three yeares next ensuing, except unto the Plantation of
New found land. Provided, security be given to the Officers of the Customes, that
the said merchandizes and goods so to be exported shall be really transported unto
the said forrein Plantations and no other Places, there to be used for the onely use
of the said Plantations.

II. That it shall be lawful for any Persons, subjects of this Kingdome, to trans-
port from hence unto the sayd Plantations such persons as being fit to advance the
Trade shall be willing to be employed in the severall Plantations: Provided the names
of them be Registered in the Custome House Booke, and neither force used to take
up such Servants nor any Apprentices entred to desert their Masters, nor any Chil-
dren under Age, admitted without the Consents of their Parents; and also that
Certificate be returned from the Governour of such Plantation within one yeare of
the arrivall of the sayd persons there. And provided, that none of the sayd Plan-
tations do suffer or permit any Ship, Barke, or Vessell to take in any goods of the

growth

growth of the sayd Plantations from any of their Ports, and carry them to any Forrein Parts, except in English Bottoms; and if any of the sayd Plantations shall offend therein, the sayd Plantation shall be excluded from the benefit of this Ordinance, and shall pay Custome as other Merchants do to *France, Spaine, &c.* or other forrein Parts.

*For the Promoting and Propagating of the Gospell of JESUS CHRIST,
in NEW ENGLAND.*

July 19, 1649,

Enacted by Authority of Parliament.

I. THAT there be a Corporation in *England*, consisting of 16 Persons, *viz.* a President, Treasurer and 14 Assistants and the 16 Persons particularly named in the Act to be the first 16 Persons whereof the said Corporation shall consist, out of which they shall choose one of the 16 to be Treasurer and another to be President, and so from Time to Time as they shall die or be removed, which President, Treasurer and Assistants shall forever hereafter in name and effect be a Body politick and corporate in Law, and shall have perpetuall Succession, and be called by the name of the President and Society for the propagation of the Gospell in *New England*, and by that name, shall and may without Licence in Mortmain purchase any Lands, Tenements, or Hereditaments in *England* or *Wales* not exceeding *£.2000 per ann.* and any Goods and Sums of Monies whatsoever.

II. That the said Persons of the corporation or nine of them, have Power to make and appoint a common Seal for the use of the corporation, choose Officers and make allowances unto them, make orders and by lawes and make conclusive bargains for Lands and Tenements to be purchased for valuable consideration.

III. That the President and Treasurer and foure or more assistants may hold a meeting for concluding of Affaires concerning the collecting and bringing in the Profits and Revenues into their Treasury, in all which the conclusion shall be by the President or Treasurer and the assistants or the major part of them.

IV. That the Commissioners of the United Colonies of *New England* in *New England* or such as they shall appoint, have Power to receive and dispose of the monies brought in and paid to the Treasurers for the Time being, or any other monies goods and commodities delivered by the care of the said corporation at any time in such manner as shall best and principally conduce to the preaching and propagating

of the Gospell amongst the Natives, and for maintenance of Schooles and Nurseries of learning for the Education of the children of the Natives.

V. That a generall Collection be made in and through all the Counties Cities, Townes and Parishes of *England* and *Wales* for a charitable contribution to be as the foundation of so pious and great an undertaking, and that the ministers within their severall places do read this act in the presence of their Congregations upon the Lords Day after the Receipt thereof, and exhort the People to a liberall Contribution to so pious a Work, and the ministers Church-wardens or Overseeres of the Poor to goe from House to House to every of the inhabitants to take the Subscription of every person in a schedule, and to collect and gather the same, a duplicate of which and of the monies collected shall be delivered to a person of quality residing in each county, deputed by the corporation under their Seal to be a Treasurer for the receiving of the same, and the Receipt under the hand of such Treasurer, shall be a discharge for the ministers, Church-Wardens, and overseers of the collection by them paid. Provided the act extend not to the enabling or allowing of transportation of any Gold, Silver, Plate, Bullion, money, or other commodities, prohibited by the lawes and statutes of this nation.

T O B A C C O.

June 20, 1650,

Enacted by Authority of Parliament.

THAT all tobacco of the Growth of *New-England*, shall pay the duties of customes and Excise, after the same rate and proportion, that Tobacco brought from any other of the English Plantations doth and is liable to pay; and the Commissioners of the Customes and Excise, their collectors, officers and ministers, are to collect and gather the duties of custome and excise for the same accordingly.

T R A D E. P R I Z E S.

October 3, 1650,

Enacted by Parliament,

WHEREAS divers Acts of Rebellion have been committed by many persons inhabiting in *Barbados*, *Antego*, *Bermudas*, and *Virginia*, who have mutinously
by

by force usurped a power of Government, and seized the Estates of many well affected Persons into their Hands and banished others, and have set themselves in opposition to, and distinct from this Commonwealth, many of the Chief Actors in, and promoters of the said rebellion, having been carried over to the said Plantations in foreign Ships, without the licence, or consent of the Parliament of *England*: The Parliament do declare, all and every the said Persons in the *Barbados*, *Antego*, *Bermudos*, and *Virginia*, that have abetted or assisted these Rebellions, or have willingly joyned with them, to be robbers and traitors, and such as by the law of nations ought not to be permitted any commerce or traffick with any people whatsoever, and therefore do Enact.

I. That after due Publication of this act, it shall be lawful to any of the fleet ships employed by the Parliament, or any private man of War allowed by the Parliament, or Council of state, to seize, surprize, and take all manner of ships, vessels, and goods, belonging to all persons whatsoever foreigners or others, that shall be found or met withal; trading with the said rebels, or in or at the said Islands of *Barbados*, *Bermudas*, *Virginia*, or *Antego*, or any parts thereof; or shall hold Correspondence with, or give assistance or relief to the supporting of the same rebellion, and to send in the said ships, and goods, to be proceeded against in the Court of Admiralty.

II. That none of the goods, nor tackle, apparel or furniture of the said ships be imbezeled, but preserved safe and entire, til judgement or other decree be thereof made in the Court of Admiralty. And that all commissions, Consignments, Bills of lading, coquets, letters, and other writings whatsoever, be sent to the Court of Admiralty, with two or three of the Officers, or principal Persons to be examined, touching the said writings, proprietors of the ships and goods, and from whence they came, and to whom consigned: And the judges of the Admiralty upon Proofs and evidences duly made, to proceed to judgement and definitive sentence according to this act; and if judgement be given to be lawful prize, to be disposed of as in this Act is appointed.

III. That from and after 20th *November* 1650. it be lawful for any ship or ships of the Parliament, or allowed by the Parliament, or council of State, to seize, rake, and surprize, any ship, or ships of any foreign nation, that shall be outward bound to any of the said Plantation without licence: And after 1. *January* 1650 to seize and surprize any foreign ships that shall be found trading at any of the said Plantations or Islands. And after 20 *March* 1650 for any of the Parliament Ships, or private men of War, allowed of by the parliament or Council of State, to seize, and surprize any ship, or ships, that are coming from, or have traded without licence, as aforesaid; all ships so taken, to be sent to some port of the Commonwealth, to be proceeded against in the Court of Admiralty, as is ordered and ap-

pointed in the Case for trading to *Barbados*, *Bermudas*, *Antego*, or *Virginia*, or any of them; the said Prizes to be disposed of as followeth; viz. of what shall be taken by the Parliaments ships, two third parts to the use of the Commonwealth and one third part to the Commanders, officers, and company of the Ships by whom they shall be taken: Of what shall be taken by private men of War, to be to the owners and setters forth of the ships, as themselves shall agree; one tenth part of the whole being first taken out to be disposed of by the Council of State for the uses the Parliament shall appoint: And if any prize so to them shall be proved in the Admiralty, and the goods to be belonging to any the good and well affected people of the Commonwealth, remaining under the protection and obedience of the Parliament, and before taken from them by any Enemy, rebel, or disaffected Person; and afterwards retaken by any of the fleet ships, or private men of War, then the goods and ship, by the decree of the Admiralty to be restored to the former owners, paying in lieu of Salvage the eighth Part of the true value thereof; unless the ship so retaken, shall appear to have been employed after the taking by the Enemy, to be set forth as a man of War on their behalf; in which Case the Owners shall pay for Salvage the moiety of the true value of the ship so retaken and restored.

IV. That the council of State may grant licence and Leave, to any of the Ships of this Nation, to go to, and trade at *Barbados*, *Bermudas*, *Antego*, and *Virginia*, without Prejudice or damage, any thing before notwithstanding.

V. That the Council of state have Power to send ships to any of the plantations aforesaid, and to grant Commissions to such persons as they shall think fit, to enforce all such to obedience, as stand in opposition to the Parliament, and to get pardons, and settle Governours in the said Islands Plantations, and places, to preserve them in Peace, until the Parliament take further order.

LETTER *from the General Court of MASSACHUSETTS to OLIVER CROMWELL.*

[Hutchinson's Hist. Vol. I. P. 192.]

“ S I R,

WE received by Capt. Gookin your Highness's proposals for the removal of some of ours to the island of Jamaica, which, by our order were communicated to the people of this jurisdiction, in compliance with your Highness's good,

good and pious intentions of planting the place with such as through the blessing of God may hopefully promote a design so religious. But if, by the intelligence from thence of the mortality of the English there, the motion here answereth not expectation, may it please your Highness not to impute it to us as declining your service, much less as disaccepting your favour and endeavours of promoting what may conduce to our welfare, wherein we have always found your Highness ready upon all occasions to testify the same; and in particular by your gracious acceptance of our last by Capt. Leveret, by whom we found ourselves necessitated to make our addresses to your Highness, that by your just favour we might be supported, without which, we have cause to fear, we cannot be secure from the clamours and calumnies of some whose endeavours may be to render us obnoxious to your displeasure.—We account it our duty, to our utmost power, to advance your Highness's service, and if all other opportunities shall be wanting, yet never to cease to present our requests to him that is able abundantly to recompence all your labours of love to his, to preserve your Highness, long to continue you a happy instrument to carry on his work, overthrow the enemies of his truth, and to enlarge the kingdom of his dear son, in whom we are,

Your Highness's most obliged servants,

Boston, in New England, the

24th October, 1656.

JO. ENDICOTT, Gov.

RICH. BELLINGHAM, Dep. Gov.

EDWARD RAWSON, Secr.

In the name and with the consent of the
General Court."

END OF VOLUME FIRST.

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